

**AGENDA OF THE REGULAR SESSION  
CITY OF AUBURN  
HISTORIC DESIGN REVIEW COMMISSION  
1225 LINCOLN WAY, AUBURN, CA 95603**



**March 5, 2013  
6:00 PM**

**Historic Design Review Commissioners**

Matt Spokely, Chairman  
Roger Luebke  
Fred Vitas  
Nick Willick  
Lisa Worthington  
Liz Briggs  
Cindy Combs  
Terry Green  
Kathryn Kratzer-Yue

**City Staff**

Will Wong, Community Development Director  
Reg Murray, Senior Planner  
Lance Lowe, AICP, Associate Planner

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF MINUTES**

February 19, 2013

**IV. PUBLIC COMMENT**

This is the time provided so that persons may speak to the Commission on any item not on this agenda. Please make your comments as brief as possible. The Commission cannot act on items not included on this agenda; however, the items will be automatically referred to City staff.

**V. COMMISSION BUSINESS**

- A. Historic Resource Nomination Process for the Auburn Register
- B. Commission Powers and Duties (AMC §159.496).

**VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

- A. City Council Meetings
- B. Future Historic Design Review Commission Meetings
- C. Reports

## **VII. HISTORIC DESIGN REVIEW COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Historic Design Review Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

## **VIII. FUTURE HISTORIC DESIGN REVIEW COMMISSION AGENDA ITEMS**

Historic Design Review Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

## **IX. ADJOURNMENT**

Thank you for attending the meeting. The Historic Design Review Commission welcomes your interest and participation. If you want to speak on any item on the agenda, as directed by the Chair, simply go to the lectern, give your name, address, sign in and speak on the subject. Please try to keep your remarks to a maximum of five minutes, focus on the issues before the Historic Design Review Commission and try not to repeat information already given to the Commission by a prior speaker. Always speak into the microphone, as the meeting is recorded on tape. It is the policy of the Commission not to begin consideration of a project after 10:00 PM. Such projects will be continued to the next meeting.

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department during normal business hours.

**MINUTES OF THE  
AUBURN CITY HISTORIC DESIGN REVIEW COMMISSION MEETING  
February 19, 2013**

The regular session of the Auburn City Historic Design Review Commission meeting was called to order on February 19, 2013 at 6:01 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Briggs, Combs, Green, Luebkehan, Snyder, Spokely, Worthington

**COMMISSIONERS ABSENT:** Kratzer-Yue, Vitas

**STAFF PRESENT:** Will Wong, Community Development Director  
Reg Murray, Senior Planner

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

January 15, 2013

**IV. PUBLIC COMMENT**

None

**V. COMMISSION BUSINESS**

**A. HDRC ANNUAL PRIORITIES REVIEW 2013.**

Planner Murray presented the item. The priorities review provides the HDRC the opportunity to identify the items of interest that the Commission might want to pursue in 2013. He noted that in 2012 the Commission expressed interest in including elements from the Auburn Streetscape project and adding them as an appendix to the Historic Design Review Guidelines (Guidelines). Planner Murray commented that staff is currently in the process addressing this item. He also suggested two new items that the HDRC may want to consider: 1) Review of the Commission's powers and duties, as this is an item that they are currently addressing; and 2) Updating the Guidelines to be consistent with the sign ordinance update approved by the City in 2012.

Commissioner Worthington asked if the Commission should specify their expectations are with respect to the update of the Guidelines with the streetscape elements.

Planner Murray stated that staff has a good understanding of what the scope of the request entails.

Commissioner Worthington suggested that the amendment should be categorized to insure easy use by the public.

Chair Spokely suggested that the priorities list be expanded to include the Commission's review of their Powers and Duties. There was general concurrence from the Commission.

Commissioner Combs suggested that the item be expanded to include Section 159.496(B) in addition to Section 159.496(A). There was general concurrence from the Commission.

Chair Spokely asked if there were any other items of interest for the Commission to consider.

Commissioner Worthington suggested updating the Guidelines to be consistent with the sign ordinance update approved by the City in 2012.

Planner Murray summarized the intent of the Guidelines update for consistency with the sign ordinance.

Commissioner Worthington commented about landscaping and stormwater infiltration systems provided in the City's streetscape project. She expressed her desire that these concepts also be included in the Guidelines update.

Chair Spokely opened the hearing to the public.

Councilman Holmes addressed the Commission and provided a written statement. He strongly urged the Commission to thoroughly review the historic ordinance as a top priority, with completion by the end of the year, and also recommended that the Commission review the nomination process for historic structures.

Commissioner Luebke asked Councilman Holmes if his intent was for the Commission to develop new guidelines for the Council to consider.

Councilman Holmes commented that the Commission is tasked with bringing various proposals to the City Council, and suggested that an update to the historic ordinance should be a Commission priority. He also asked that the Commission change the procedures for the nomination process of historic structures, and that

those new procedures should be consistent with changes previously suggested to the City. He stated that the objective was to move the process along so that more buildings could be put on the National Register of Historic Places and on the Auburn Register of Historic Places; and to also consider other issues such as separating the Historic Preservation Commission from the Planning Commission.

Commissioner Combs asked Councilman Holmes if his intention was for the HDRC to review the entire historic ordinance, or just the powers and duties section that they've currently decided to review.

Councilman Holmes agreed that the whole ordinance needs to be reviewed; and that the current ordinance needs to be updated and procedures need to be improved.

Commissioner Worthington noted that Mr. Otten has previously provided a document illustrating his proposed changes to the City's current historic ordinance. She asked Councilman Holmes if the proposed changes in Mr. Otten's draft should be used as the starting point for the review being suggested by Councilman Holmes.

Councilman Holmes agreed that Mr. Otten's draft would be a good starting point for the Commission's review, along with a review of the existing ordinance and how the amendments would fit in.

Commissioner Worthington asked about the differences for nomination to the National, State, and local registers.

Councilman Holmes stated that there are a number of different elements and that the standards are higher as you move up from the local, to State, to National level.

Commissioner Worthington noted that the City's current ordinance focuses on the Auburn registry, and asked whether an update to the nomination process should include a process for nomination to the State registry?

Councilman Holmes agreed that it should, but noted that there is a higher standard that must be met when submitting to the State Register. He referred to the State Theater as an example; he noted that the building has been nominated to the State and that the initial indication is that it will meet the State standard, but that it may not meet the National standard.

Councilman Holmes commented that the historic nature of the City can be used to get publicity for the City on the web, improve tourism, and act as an economic driver for the City.

Commissioner Snyder asked Councilman Holmes to identify what goals he wanted to achieve with the review of the ordinance.

Councilman Holmes identified changes in nomination procedures for historic buildings.

Commissioner Snyder asked about what was wrong with the current procedure

Councilman Holmes commented that a lot has happened in the last 40 years. He noted that the existing historic ordinance directs the HDRC to come up with a new procedure for the nomination of buildings.

Councilman Holmes asked the Commission to add a priority to their list that would involve reviewing the existing ordinance and making recommendations for changes, and to specifically include a review of the nomination procedures for the Auburn Registry.

Commissioner Snyder stated that he was unsure as to what problems Councilman Holmes had with the existing historic ordinance, other than the nomination procedures.

Councilman Holmes responded that that no one knows what the ordinance is.

Commissioner Snyder commented that the ordinance exists and people can find it if they want to know about it.

Chair Spokely asked Councilman Holmes if the ordinance update would be focused on establishing, or updating, the procedural guidelines for nominations.

Commissioner Briggs referred to Resolution 82-198, which identifies the existing procedures for nominating historic buildings to the Auburn Register.

Councilman Holmes stated that, in his opinion, the existing procedures are outdated and need to be updated

Commissioner Worthington noted that the current procedures are missing evaluation criteria.

Commissioner Snyder asked how the Commission would handle historians with differing opinions.

Councilman Holmes stated that it would be a judgment of the Commission.

Director Wong stated that the City Council addressed this debate last year. Council gave staff direction to update the nomination process and to continue using the existing historic design review ordinance.

Mr. Michael Otten, President of the Placer County Historical Society, addressed the Commission. Mr. Otten referred to the nomination resolution and noted that some of the provisions are out of date. He suggested that the HDRC should focus their review on the items the Commission currently has on their priorities list.

Commissioner Combs summarized the differences in how properties are evaluated for the National and State registers, including significance, importance in community, and degree of historic integrity.

Mr. Otten suggested that historic information could be placed on the City website.

Chair Spokely asked if the Commission had any other recommendations for the priorities list. He noted that items currently on the priorities list included amending the Historic Design Review Guidelines to include streetscape elements and reviewing the Commission's powers and duties. He also noted that the historic resources nomination process would be coming forward soon.

Planner Murray reviewed the items on the Commission's priorities list. They included: 1) Amending the Historic Design Review Guidelines to include streetscape elements; 2) Review of the Commission's powers and duties; and 3) Amending the Historic Design Review Guidelines for consistency with the recent sign ordinance update.

Commissioner Combs asked if the Commission would want to review the entire historic ordinance instead of just their Powers and Duties section?

Commissioner Briggs stated that the Commission should just review the specific items previously identified because a review of the entire ordinance would involve a number of issues and would take a long time to complete.

Chair Spokely noted that a full review of the ordinance might be a good long-term goal for the HDRC and that by starting with the initial review of the Commission's powers and duties as currently planned, they might find that the existing ordinance is operating fairly well already. He suggested that the Commission hold off on a broader update and that they should instead focus on educating itself on the current ordinance.

Commissioner Luebkean agreed with having the nomination process on the HDRC priorities list given the age of the process. He also thought it might be good to take a look at the ordinance to see whether or not anything needed to be changed and whether the review should be broken into smaller parts.

Commissioner Briggs noted that was the case with the first review occurring for the nomination process.

Commissioner Snyder reiterated his earlier concern, asking what was wrong with the current ordinance?

Chair Spokely noted that the Commission may not know what's wrong with the ordinance because the Commission hasn't really been applying it, which is the goal of the powers and duties review. He noted that there are proactive measures in the powers and duties that the Commission hasn't pursued.

Commissioner Worthington stated that the Commission hasn't thoroughly understood their powers and duties and roles and responsibilities. She commented that it could be dangerous to drill into one section, such as the powers and duties, without additional review of the whole ordinance.

Chair Spokely asked if this was a recommendation for a broader ordinance update.

Commissioner Worthington said she wasn't suggesting an update, but a review of the ordinance starting with the powers and duties.

Commissioner Luebke stated that he sees the Commission using the review as an education process.

Chair Spokely commented to Commissioner Luebke that the Commission recognized a need back in October 2012 to better understand the ordinance.

Chair Spokely asked if anyone wanted to add a review of the entire ordinance, with an eye toward an update, to the Commission's priorities list?

Commissioner Luebke stated that the Commission's purpose should be review of, and education about, the existing ordinance.

Commissioner Briggs agreed with Commissioner Luebke.

Commissioner Worthington suggested conducting the review as part of a workshop.

Commissioner Luebke opined that the workshop review should occur before deciding whether to add the item to the priorities list, as the Commission may find that it is okay with the existing ordinance; or it could find that there are issues and add it to our list of priorities at that time.

Chair Spokely asked staff to review the process associated with the annual priorities list review.

Planner Murray reviewed the process associated with the annual priorities review.

Chair Spokely asked staff to repeat the items on the HDRC priorities list.

Planner Murray reviewed the items on the Commission's priorities list, which included: 1) Amending the Historic Design Review Guidelines to include streetscape elements; 2) Review of the Commission's powers and duties; and 3) Amending the Historic Design Review Guidelines for consistency with the recent sign ordinance update.

Chair Spokely noted that a separate item for the Commission was to have a separate review of the ordinance.

**B. HDRC ANNUAL OPERATIONS AND PROCEDURES REVIEW 2013.**

Planner Murray presented the item. The annual operations and procedures review provides Commission with an annual opportunity to review how it conducts its business. He summarized the Commission's annual review in 2012 and noted changes the Commission made in prior years. Planner Murray also noted that the Commission had prior discussions about conducting regular meetings, in order for the Commission to regularly review its powers and duties, instead of meeting on an as-needed basis.

Director Wong noted that the Commission's previous desire was to meet on the first Tuesday of each month. He also reminded the Commission to provide staff with their interests in the Powers and Duties and that those interests would be reviewed at the regular meetings.

Chair Spokely led a discussion to determine which Commission meeting would be designated for the Commission's regular meeting. The consensus was to use the first meeting of each month as the regular meeting date.

Commissioner Worthington commented on the delegation of sign review and ADA review to staff in 2009, and that while the Commission had received email notifications of sign approvals from staff, the Commission had not received any notifications of staff-approved ADA projects. The Commissioners discussed options regarding notification to the Commission. Staff agreed to provide the HDRC with notification of ADA approvals consistent with the process for sign approvals.

Chair Spokely noted the new FastNews document from the Clerk's office and the meeting times included in the publication.

Staff informed the Commission that they were already aware of the times shown on FastNews and that they would be coordinating with the Clerk's office to insure that the Commission meeting times were correctly identified.

**VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

**A. City Council Meetings**

Director Wong commented that Councilman Kirby is scheduled to appoint Commissioner Snyder's replacement to the Commission at the City Council meeting on February 25, 2013. He also noted that the re-appointment of Commissioner Green to the HDRC is also scheduled for the February 25<sup>th</sup> Council meeting.

**B. Future Historic Design Review Commission Meetings**

Director Wong noted that the Commission's review of its Powers and Duties would recommence at the March 5, 2013 meeting and that the Commissioners should notify staff as to which of the powers and duties they have interest in reviewing/participating in greater detail.

Commissioner Green stated his interest in items 3, 7, and 8 from the powers and duties list.

**C. Reports**

Planner Murray commented that he would be providing conflict of interest information to the Historic Design Review Commissioners within the next couple weeks. The Commissioners will need to review that information and confirm that the information is correct or note any necessary changes.

**VII. HISTORIC DESIGN REVIEW COMMISSION REPORTS**

None

**VIII. FUTURE HISTORIC DESIGN REVIEW COMMISSION AGENDA ITEMS**

None

**IX. ADJOURNMENT**

The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Reg Murray



# CITY OF AUBURN

## Staff Report

### Historic Design Review Commission

Meeting Date: March 5, 2013

Prepared by: Lance E. Lowe, AICP, Associate Planner

ITEM NO.  
V-A

**ITEM V-A: HISTORIC DESIGN REVIEW – HISTORICAL RESOURCE NOMINATION PROCESS FOR THE AUBURN REGISTER OF HISTORIC RESOURCES – ADMIN FILE 208.6.**

**REQUEST:** Historic Design Review Commission Recommendation to the City Council on an Updated Resolution for Historical Resource Nomination Process for the Auburn Register of Historic Resources.

**RECOMMENDED MOTION (APPROVAL):**

That the Historic Design Review Commission take the following actions:

Adopt HDRC Resolution No. 13-3 as presented (**Exhibit A**), or as modified by the Historic Design Review Commission, recommending that the City Council take the following actions:

1. Adopt a Statutory Exemption, prepared for the Updated Resolution for Nominating Process for Historical Resources as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and,
2. Adopt an Updated Resolution for Nomination of Historical Resources to the Auburn Register as presented in the staff report.

**BACKGROUND:**

On June 11, 2012, the City Council considered whether or not to submit an application for Certified Local Government (CLG) Status (**Attachment 1 – City Council Minutes dated June 11, 2012**).

After discussion and consideration of the merits of becoming a CLG, the City Council decided not to submit an application to the California Office of Historic Preservation for Certified Local Government Status and opted to continue with the City's Historic Preservation Ordinance as currently practiced (**Attachment 2 – Section 159.490 of Auburn Municipal Code**).

In addition, the City Council directed staff to update the Resolution for Nominating Process for Historical Resources, which was adopted in 1982 (**Attachment 3 – Resolution No. 82-198**). The resolution adopted in 1982 stipulates the following:

- An owner of real property may apply for historical status designation;
- A public hearing before the City Council is required for historical designation;
- Said building shall be at least 75 years old; and,
- Alternate building regulations (i.e. Historical Building Code) can be applied for the improvement and repair of historical designated buildings.

As a follow up to the City Council's direction, the Community Development Department is seeking a Historic Design Review Commission recommendation on the update of the Resolution for Historical Resource Nomination Process for Auburn Register of Historic Resources. The updated Resolution for Nomination of Historical Resources serves to supplement Section 159.490 (*Historic Preservation*) et. seq. attached herewith as **Attachment 2 – Section 159.490 Historic Preservation**. Note that the proposed Resolution does not supersede or amend any of the noted sections, but works in conjunction with the provisions.

Specifically, Section 159.499 of the Auburn Municipal Code entitled Declaration of Historic Buildings and Places authorizes the Council, by resolution, to establish guidelines for the declaration of historical sites, areas, buildings and structures within the City stated as follows:

**§159.499. DECLARATION OF HISTORIC BUILDINGS AND PLACES.**

The Council may, by resolution, establish guidelines for the declaration of historical sites, areas, buildings and structures within the city and designate all such locations and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings and Places) to be maintained by the Community Development Department. All sites, areas, buildings or structures on the register shall be subject to the requirements of this chapter (Ord. 04-8, eff. 11-15-2004).

**PROJECT DESCRIPTION:**

As directed by the City Council, the Community Development Department has prepared an updated Resolution for Historical Resource Nomination Process for the Auburn Register of Historic Resources. The updated Resolution prescribes the application process; who can nominate historic resources; types of projects that may qualify for the City's Local Registry of Historic Resources and amendment or rescission to the Auburn register. Again, it should be noted that the updated Resolution for the Nomination of Historic Resource does not supersede or amend any Sections of 159.490 et. seq. but serves to supplement those sections.

The Resolution also satisfies Historic Design Review Commission Powers and Duties contained in Sections 159.496 (A)(3) & 159.496 (A)(8).

**ANALYSIS:**

The attached Resolution (**Attachment 1 of Exhibit A**) for Nomination of Historical Resources contains 5 Sections. In preparation of the Resolution, staff offers the following analysis for Historic Design Review Commission consideration:

**Section 1** – Provides a Purpose Statement for the Nomination of Historic Resources.

**Section 2** – Section 2 specifies the process by which a property owner can achieve historic resource designation.

What qualifies as a Historic Resource is defined in Section 159.492 of the Auburn Municipal Code as follows:

**HISTORIC RESOURCE.** Buildings, structures, signs, features, sites, places, areas, or other improvements of scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to citizens of the city and designated as such by the City Council pursuant to the provisions of this subchapter.

At least one public hearing will be required at both the Historic Design Review Commission and City Council. While the application is being considered, a Stay of Work, which would require Historic Design Review Commission approval in accordance with Section 159.497 (C)(1) shall not be conducted. Once an application has been approved, the Historic Resource will be added to the Auburn Register of Historic Resources. For properties that are designated, the designated property shall be officially recorded at the County's Recorder's Office as provided in Section 2 (G).

Based upon the above, a historic resource is any improvement that may have scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value. Historic values are further characterized as either of the following types: Historical Buildings, Points of Historical Interest, & Historical Land Sites.

Properties so designated as one of the aforementioned resources shall be subject to Section 159.490 et seq. of the Auburn Municipal Code and be required to obtain a Historic Design Review Permit prior to any improvements. Further, as required of Section 2 (G) of the draft ordinance, the applicant will be required to record a covenant on the property notifying subsequent purchasers of the property that the property will be subject to Section 159.490 of the Auburn Municipal Code. Should the Historic Design Review Commission believe that this provision may be onerous for applicant's desiring to designate their property, the HDRC may recommend to eliminate the recording requirement.

### **Section 3 – Specifies Information Required of an Application for Historic Designation.**

The application information includes the necessary information to assure that the Historic Design Review Commission has the minimum information necessary to adequately make a recommendation to the City Council on a Historic Resource. The more salient discussion issues with an application include:

#### *1. Who Can Nominate a Historic Resource?*

One of the more contentious issues regarding Nomination of Historical Resources is who can nominate a historical resource? Property owner; Public; Historical Organization; Historical Design Review Commission; or, City Council? And can the nominating individual/party nominate the historic resource over the objections of the property owner?

In review of several Historic Preservation Ordinances, many of the ordinances reviewed by the Community Development Department permit anyone to submit an application for historic designation with a provision that lets a property owner to "opt out" from consideration. That is, an owner may request that their property not be considered for historic designation by providing correspondence to the recommending and/or decision making body at, or prior to, a noticed public hearing.

Consistent with the existing Resolution No. 82-198, the draft Resolution requires the property owner's authorization to submit an application to the Historic Design Review Commission. Should the Historic Design Review Commission recommend that the draft Resolution include provisions that authorized anyone to submit an application for designation, staff recommends that the Historic Design Review Commission direct staff to bring back the Resolution for further consideration as other Sections, including but not limited to, Private Owner Objection provisions will need to be added to the Resolution.

2. *What fees should be charged for an application?*

In an effort to encourage applicants to designate their property, the HDRC may recommend that applications be processed at no charge. Alternatively, the Historic Design Review Commission could recommend a \$33.00 fee; the same as all Historic Design Review applications. Should the Historic Design Review Commission decide to recommend the actual cost of processing an application, staff will need to qualify the costs of processing the application.

**Section 4** – Specifies the criteria for Historic Resource Designation. A resource may be designated if the resource is:

1. Associated with events that has made a significant contribution to the broad patterns of Auburn's History;
2. Associated with the lives of persons significant in Auburn's past;
3. Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction;
4. Has yielded, or may be likely to yield, information important to Auburn's history or prehistory;
5. Retains aspects of integrity such as: location, design, setting, materials, workmanship or association; and,
6. Achieves significance within the past 50 years if it is of exceptional importance.

**Section 5** – Specifies procedures to rescind or amend a historic designation.

Section 5 establishes grounds for an amendment or rescission and process should a property meet the any of following criteria:

1. The property has ceased to meet the criteria for listing in the Auburn Register because the qualities which caused it to be originally listed have been lost or destroyed;
2. Additional information shows that the property does not meet the Auburn Register criteria for eligibility;
3. Additional information shows that the property meets the criteria for eligibility have occurred;
4. Errors in professional judgment as to whether the property meets the criteria for eligibility have occurred;
5. Prejudicial procedural errors in the nomination or listing process have occurred.

**ENVIRONMENTAL DETERMINATION:**

The project was reviewed pursuant to the Auburn Municipal Code and the California Environmental Quality Act (CEQA) and was determined to be Statutorily Exempt under Section 15061(b)(3) of the CEQA Guidelines as follows:

§15061 (b) (3) A project is exempt from CEQA if:

The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**ATTACHMENTS:**

1. City Council Excerpt Minutes dated June 11, 2012
2. Section 159.490 of Auburn Municipal Code Entitled Historic Preservation
3. City of Auburn Resolution No. 82-198
4. Auburn Register of Historic Places dated April 23, 2012

**EXHIBIT:**

- A. HDRC Resolution No. 13 – With **Attachment 1** - Updated Resolution for Nomination of Historical Resources



# ATTACHMENTS

**CITY COUNCIL MINUTES**  
**June 11, 2012**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, June 11, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Council Members Present:** Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Senior Planner Reg Murray, Assoc. Planner Lance Lowe, Code Enforcement Jennifer Solomon, Public Works Engineer Carie Huff, and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

**MOTION: Nesbitt/ Holmes/ Unanimously approved by voice**

**1. Conference with Legal Counsel**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

**A) Pending Litigation:**  
(G.C. 54956.9(a))

Victoria Connolly, First Amendment Coalition v. City of Auburn, Auburn City Council, Placer County Superior Court Case No. SCV-0031261

**B) Existing Litigation:**  
(G.C. 54956.9(a))

Council Member Holmes asked about Regional Service Transportation Program overlay funding, reserve funding, fund balances, personnel costs, and airport perimeter fence master design funding.

Council Member Nesbitt asked about the budgeted amounts for the various committees/ commissions.

Council Member Powers asked when the last funding occurred for the committees/ commissions.

Council Member Kirby asked about the CalPERS increase in FY 13-14 and a personnel 4% one-time payment.

Mayor Hanley asked about comparisons to other cities in the region in regards to personnel costs and school park preserve funds.

By **MOTION**, defer action on the budget until the 6/25/2012 City Council agenda to allow for more time for the public to review the budget and comment.

**MOTION: Holmes/ Nesbitt/ Approved 5:0**

20. **Certified Local Government Status (CLG) for Auburn**

Community Development Director Will Wong presented this item. He reviewed the history of historic design review and historic preservation ordinances, design review for single-family residential units, separate historic design review committees and the Planning Commission, overview and requirements of the Certified Local Government Program, "pre-application" update, and fiscal impacts.

Council Member questions followed regarding CLG grant money, process for single family dwelling under a CLG, public hearing notices, costs for updating preservation ordinances every five years, staff's recommendation on this item, Register of Historical Places, duties of the Historic Design Review Commission, opt-out process for residential properties, CEQA review, and administrative costs.

Council Member Holmes clarified that some work is already being completed on some of the original surveyed 571 properties to provide further detailed information. He said he is disappointed that nothing has been done to implement what the Council approved in 2004 by ordinance.

April McDonald-Loomis, City Historian, said she strongly urges the Council to accept the proposed amendment to the Historic Preservation Ordinance in order to bring it inline with the requirements for the CLG status. She addressed the historical register calling it a "dismal display."

She spoke about the cultural resource survey done in 1986 and the database she has created from it. She said she thinks the staff time would be minimal to keep the research current.

Cindy Combs, resident of Auburn and member on the HDRC, said as a private citizen she supports Auburn becoming a CLG. She said implementing measures to be able to identify and preserve Auburn's Historic Resources will be a benefit to the entire community.

Michael Otten, resident of Auburn and President of the Placer County Historical Society said this is a "golden opportunity" for Auburn to move ahead on the CLG status.

Bob Snyder, resident of Auburn, suggested an opt-in provision as opposed to an opt-out provision. He said there should be concern when California Environmental Quality Act is discussed. He said there needs to be much further discussion before action is taken.

Council Member Holmes said he supports moving forward with the ordinance amendment to be followed by submission of a CLG application and followed again with an update to the 1986 inventory of historic properties.

Council Member Nesbitt said he concurs with Mr. Snyder regarding an opt-in clause. He said he would like to see workshops done on this subject for further information and input.

City Attorney Michael Colantuono said he presumes that an opt-in clause would not be acceptable in a CLG due to our current ordinance excluding single family properties.

Council Member Powers said she concurs with holding a workshop for public input from property owners.

Council Member Kirby said the ultimate decision is on Council, not staff. He said he views CLG as more state regulation and an extreme intrusion on property owner's rights.

Mayor Hanley spoke about when the ordinance was passed in 2004 and the concern over residential properties at that time. He said he feels the current ordinance protects historical buildings in the city. He said he does not see many tangible benefits to CLG. He said he supports updating the historical preservation ordinance, include more properties on the register, and promote our historical assets.

Council Member Holmes made a motion to initiate an ordinance amendment to revise the City's Historic Preservation Ordinance to be consistent with the requirements for a Certified Local Government as described in the February 8, 2012 memorandum from the State Department of Parks and Recreation and by Resolution commit to updating the 1986 inventory of historic properties as described in the February 8, 2012 memorandum from the State Department of Parks and Recreation. The motion failed for lack of a second.

By **MOTION**, do not submit an application to the California Office of Historic Preservation for Certified Local Government Status. Direct staff to update the resolution for Nominating Process for Historical Resources (*Resolution No. 82-198*); and continue with the City's Historic Preservation Ordinance as currently practiced.

**MOTION: Kirby/ Nesbitt/ Approved 4:1 (Holmes voted no)**

Council Member Holmes explained why he made the motion he did and the related benefits. He said the motion on the floor now just allows for a stand still and shows no appreciation for the history of the City.

21. **Recommendations from Streetscape History and Art Advisory Committee (SHAAC)**

Council Member Nesbitt presented this item. He explained how SHAAC committee members came to the recommendations in front of Council tonight.

Council Member Hanley said he is concerned that without a city funding source the history aspect will become compromised. He said he wants to keep the history in SHAAC. He added items 4 and 5 to the resolution.

By **RESOLUTION 12-68:**

- 1) Approve the revised criteria for selection of Streetscape tiles or amenities.
- 2) Adopt the "City of Auburn Streetscape History and Art Advisory Committee (SHAAC) Request for Recognition Form".
- 3) Appoint April McDonald-Loomis (City Historian) as a voting member of the SHAAC, rather than a non-voting advisor.
- 4) Direct SHAAC to forward no less than 50% of the tile recommendations to the City Council based on recognizing an achievement(s) that occurred before 1945.

**MOTION: Nesbitt/ Holmes/ Approved 5:0**

**REPORTS**

23. **City Council Committee Reports**

Council Member Powers reported on an upcoming Placer County Economic Development Commission meeting at Ceronix, June 21 at 3pm.

Council Member Holmes reported that the House of Representatives passed the Energy and Water Appropriations Bill which has funding for the Auburn State Recreation Area.

Council Member Nesbitt reported he attended the 113<sup>th</sup> graduating class of Placer High School. He also congratulated Public Works on the Airport Monument Sign. He reported on the Auburn App, and directed staff to contact the Chamber on adding a link to the City's website.

Mayor Hanley thanked the Fire Chief for submitting an application to the Sierra Nevada Conservancy and securing a grant.

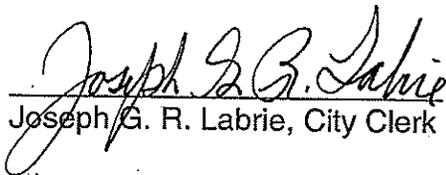
**ADJOURNMENT**

Mayor Hanley adjourned the meeting, without objection, at 10:24 p.m.



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Kevin Hanley, Mayor



Joseph G. R. Labrie, City Clerk

equipment connected therewith shall be removed from the location or premises.

(E) The Community Development Director may, in issuing permits for temporary uses, attach such conditions as are determined to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination or operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises, in addition to any other conditions imposed, the Community Development Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use.

(1973 Code, § 9-4.1801.6) (Ord. 91-3, eff. 3-27-1991)

#### **§ 159.478 OUTDOOR SEATING PERMIT; ISSUANCE.**

Notwithstanding any other provision contained in this subchapter, limited outdoor seating, up to a maximum of 12 seats, may be allowed in conjunction with an existing eating establishment subject to the approval by the Community Development Director of an outdoor seating permit according to the following provisions.

(A) The permit shall be issued in accordance with the provisions of § 159.475.

(B) The outdoor seating shall be described in a permit issued therefor by the Community Development Director prior to commencement. The permit shall also include all other licenses, permits or approvals otherwise required by this code.

(C) (1) The outdoor seating shall be discontinued in the event that the business it is in conjunction with closes or relocates.

(2) Any trash, chairs, benches, tables or other fixtures, appurtenances or equipment connected therewith shall be removed from the location or premises at that time.

(D) The Community Development Director may, in issuing permits for outdoor seating, attach such conditions as are determined to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination, operation of any loudspeaker or sound amplification and the like in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

(E) Outdoor seating may be permitted within the public right-of-way if an encroachment permit is approved by the Public Works Department.

(1973 Code, § 9-4.1801.7) (Ord. 92-16, eff. 8-26-1992)

#### **§ 159.479 ENFORCEMENT.**

(A) It shall be the duty of the Building Official to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

(B) It shall be the duty of the Police Chief and all officers of the city charged by law with the enforcement of city laws to enforce the provisions of this chapter.

(1973 Code, § 9-4.1801) (Ord. 568, eff. - -; Am. Ord. 88-3, eff. 5-11-1988)

### ***HISTORIC PRESERVATION***

#### **§ 159.490 TITLE.**

This subchapter of the Auburn Municipal Code shall be known as the Historic Preservation Ordinance of the City of Auburn.

(Ord. 04-8, eff. 11-15-2004)

**§ 159.491 PURPOSE.**

WHEREAS the people of Auburn, by and through their City Council, have determined that:

(A) The recognition, maintenance and enhancement of the cultural historic resources within the City of Auburn is in the best interests of the citizens of Auburn and that those resources have value as living parts of the community;

(B) The City of Auburn, in recognition of the intention and provisions of the National Historic Preservation Act of 1966, as amended, joins with private individuals, businesses and groups, the State of California and the United State Congress to develop preservation programs and activities to encourage and promote the maintenance, restoration, renovation and preservation of Auburn's unique architectural, historic, aesthetic and cultural heritage;

(C) THEREFORE, the purpose of this subchapter is to promote the general health, safety and welfare of the public through:

(1) The protection, enhancement, preservation and use of the diverse structures, areas and sites in Auburn, which represent past eras, events and persons important in history, or which provide significant examples of architectural styles of the past, or are landmarks in architectural history, or which constitute unique and irreplaceable assets to Auburn and its neighborhoods, or which provide this and future generations examples of the physical surroundings in which prior generations have lived;

(2) The development and maintenance of complementary settings and environment for said structures and/or districts;

(3) The enhancement of property values, the stabilization of neighborhoods and areas within Auburn, the increase of economic benefits to Auburn and its property owners and residents, and the promotion of visitor trade and interest;

(4) The preservation and encouragement of a city of varied architectural styles reflecting the cultural, social, economic, political history of Auburn;

(5) The educational and cultural enrichment of this and future generations by fostering knowledge of our heritage, and;

(6) The promotion and encouragement of continued private ownership and use of such structures so that the objectives set forth in this subchapter may be attained.

(Ord. 04-8, eff. 11-15-2004)

**§ 159.492 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning

**ALTERATION.** Any exterior change or modification, through public or private action, of any historic resource or of any property located within an historic district which involves exterior changes to or modification of a structure, its surface texture, or its architectural details; new construction; demolition; relocation of structures onto, off of, or within a designated property; or other changes to the site affecting the significant historical or architectural features of the property.

**AUBURN REGISTER OF HISTORIC BUILDINGS AND PLACES.** An official listing of sites, areas, buildings and structures within the city designated by the City Council as having special historical significance.

**DEPARTMENT.** The Community Development Department.

**DESIGN GUIDELINES.** The Historic Preservation Architectural Design Guidelines.

**DIRECTOR.** The Community Development Director.

**HISTORIC DESIGN REVIEW.** The city review process for development requests associated with property located within the Historic Design Review District or for properties that are designated as a historic resource.

**HISTORIC DESIGN REVIEW COMMISSION.** The approving authority for projects located within the Historic Design Review District.

**HISTORIC DESIGN REVIEW DISTRICT.** The design review district that includes the Downtown Design Review District, the Old Town Design Review District, and properties designated as a historic resource.

**HISTORIC DESIGN REVIEW PERMIT.** A Design Review Permit issued for properties located within the Historic Design Review District.

**HISTORIC RESOURCE.** Buildings, structures, signs, features, sites, places, areas, or other improvements of scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to citizens of the city and designated as such by the City Council pursuant to the provisions of this subchapter.

**HISTORIC RESOURCES SURVEY.** A survey prepared in 1986 which identified and documented those structures, objects, and sites which were in existence prior to 1941 and which evaluated them for architectural, historical, and/or cultural significance according to the guidelines set forth for inclusion in the National Register of Historic Places.

**MINOR ALTERATION.** An alteration that is not readily noticeable from the street and will not alter the character or essential architectural details of the structure.

**ORDINARY MAINTENANCE AND REPAIR.** Any work where the purpose and effect of such work is to prevent or correct any deterioration of or damage to a structure or any part thereof and to restore the structure or part thereof to its condition prior to the occurrence of such deterioration or damage.

**PRESERVATION EASEMENT.** A legal instrument recorded against a parcel or parcels of real property that limits the property owner's ability to alter, change, modify, destroy, or in any way threaten the cultural and/or historic value of a historic resource, without consultation and authorization of the agency to whom the easement has been assigned. Once imposed, such an easement "runs with the land" thereby requiring current and future property owners to abide by its terms.

**STATE HISTORICAL BUILDING CODE (SHBC).** The State Historical Building Code contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historic structures, districts and sites, designated under federal, state, or local authority.  
(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.493 HISTORIC DESIGN REVIEW DISTRICT: DESIGNATION.**

(A) The Historic Design Review District shall be identified on a map, attached as an exhibit hereto and maintained on file in the office of the Community Development Department and incorporated herein by reference.

(B) The District map may be amended by resolution of Council.

(C) The District may be amended to include any such individual site, improvement or structures as may be added, from time to time, as a result of the granted application by a property owner for designation of that property as a Historic Resource (HR).

(D) The requirements of this subchapter shall be mandatory for all properties within the District.  
(Ord. 04-8, eff. 11-15-2004)

**§ 159.494 HISTORIC DESIGN REVIEW COMMISSION; CREATION, MEMBERSHIP, AND TERMS OF OFFICE.**

(A) *Established.* There is hereby established a Historic Design Review Commission (HDRC).

(B) *Membership.* The Historic Design Review Commission shall consist of 9 members, including the 5 members of the Planning Commission and 4 at-large members.

(C) *Minimum qualifications: At-large members.* The at-large membership of the Commission shall consist of the following:

- (1) One architect.
- (2) One member of an historical society.
- (3) One real property owner or business owner from the Downtown Historic District.
- (4) One real property owner or business owner from the Old Town Historic District.
- (5) The representatives from the Downtown Historic District and Old Town Historic District shall be nominated by the Downtown Business Association or Old Town Business Association, respectively.

(D) *Appointment and terms of office: At-large members.* At large members shall be appointed by a majority of the Council and shall serve a 4 year period. The Council shall appoint 2 at large members to 2-year terms at the time of the initial appointment of at-large members.

(E) *Attendance.* In the event a member fails to attend a total of 3 or more HDRC meetings during a calendar year, the City Council may declare the office of the member vacant. In the event an HDRC office is declared vacant, the appointment of a successor shall be made for such unexpired term in the manner provided in this section.

(F) *Vacancies.* If the office of a member of the Historic Design Review Commission becomes vacant, the City Council shall fill the vacancy by appointing a Commission member whose term shall run the unexpired term of the former incumbent.  
(Ord. 04-8, eff. 11-15-2004)

**§ 159.495 HISTORIC DESIGN REVIEW COMMISSION; PRACTICES AND PROCEDURES.**

(A) *Quorum.* Five voting members of the Historic Design Review Commission shall constitute a quorum with a majority vote of the members present required for passage of any action item.

(B) *Officers.* The chairperson and vice-chairperson of the Planning Commission shall serve as the chair and vice-chair of the Historic Design Review Commission.

(C) *Staff:* The Community Development Department shall act as staff to the Historic Design Review Commission.

(D) *Annual review.* The Historic Design Review Commission shall, at least once per year, conduct a review of its operations and procedures, and make recommendations to the City Council for improvements thereof.  
(Ord. 04-8, eff. 11-15-2004)

**§ 159.496 HISTORIC DESIGN REVIEW COMMISSION (HDRC); POWERS AND DUTIES.**

(A) The Historic Design Review Commission shall have the following powers and duties:

(1) To adopt rules of procedure for the conduct of its business in accordance with the provisions of this subchapter;

(2) Act in an advisory capacity to the City Council in all matters pertaining to historic resources and districts;

(3) Develop and maintain criteria for the nomination and designation of structures, improvements, or sites as historic resources. Such resources shall be separate and apart from the Historic Design Review District but shall be subject to the provisions of the district;

(4) Approve, conditionally approve, or deny Historic Design Review Permits in accordance with the provisions of this subchapter and the requirements of Chapter 157;

(5) Render advice and guidance, upon request of the owner or occupant of the property, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource including landmarks, sites, districts or neighboring properties within public view;

(6) Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a cultural resource on the local, State, or Federal level;

(7) Recommend to the City Council, from time to time or as events warrant, recognition of owners or occupants of structures, improvements or sites by means of certificates, plaques, markers or commendations who have restored, renovated and/or maintained their property in an exemplary manner;

(8) Establish guidelines for the declaration of historical buildings and structures within the city and designate all such buildings and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings);

(9) Investigate and make recommendations to the City Council on the availability and use of funding which is or may become available from various federal, state, local or private sources to promote and undertake preservation of districts, structures, improvements or sites of historical value to Auburn; and

(10) Provide local owners of diverse structures, buildings, areas, and sites with the benefits and responsibilities of inclusion in local, State, or Federal registries of historic properties.

(B) Upon authorization by the Auburn City Council, the Historic Design Review Commission shall have the following powers and duties:

(1) Publicize and update the City of Auburn Historic Resources Survey previously prepared in the City of Auburn;

(2) Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City of Auburn, County of Placer or State of California as they relate to the historic resources of Auburn;

(3) Make recommendations to the City Council for the purchase of property, in fee or less than fee, easements, or other mechanisms for preservation of cultural heritage resources;

(4) May participate in, promote and conduct public information, educational and interpretive programs pertaining to preservation of cultural resources; and

(5) Undertake any other action or activity delegated to it by the City Council or by this subchapter, necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of cultural resource preservation. (Ord. 04-8, eff. 11-15-2004).

#### **§ 159.497 HISTORIC DESIGN REVIEW PERMIT (HDRP).**

(A) Except as otherwise specified in this section, a Historic Design Review Permit shall be processed per the requirements of §§ 159.114 through 159.125.

(B) Application submittal. An application for a Historic Design Review Permit shall be made on a

form provided by the Community Development Department and shall be accompanied by the fees established by resolution of the City Council. The application shall include all information as prescribed on the form provided by the Department.

(C) Historic design review. Projects located within the Historic Design Review District, or properties situated outside the district that have been designated a historic resource, shall be subject to historic design review as required by this subchapter.

(1) *Historic Design Review Permit (HDRP) required.* A Historic Design Review Permit shall be required for the following types of projects:

(a) Construction of all new commercial, office, industrial, and multi-family residential buildings or structures.

(b) Alterations, remodeling, or additions to existing structures.

(c) Replacement of building materials with different materials (including re-roofing of buildings).

(d) Painting of buildings if the color(s) used are not similar to the existing colors.

(e) Sign permits.

(f) Modifications to existing Historic Design Review Permits.

(2) *Administrative approval.* The Director may approve, conditionally approve, or deny the following types of projects:

(a) Minor modifications to existing site improvements (such as parking lot re-striping).

(b) Exterior painting on buildings and/or structures if the color(s) are the similar to the existing color(s).

(c) Replacement of building materials with the same materials (including re-roofing of buildings).

(d) Sidewalk replacement.

(e) Landscaping.

(f) Temporary signage for special events.

(g) Projects as delegated by the Planning Commission.

(3) *Exemptions.* The following types of projects are exempt from the design review process:

(a) Ordinary maintenance and repair.

(b) Single-family residential buildings or structures.

(D) Reviewing authority.

(1) *Historic Design Review Commission.* The reviewing authority for Historic Design Review Permit applications shall be the Historic Design Review Commission.

(2) *Administrative approval.* The Director may issue permits for those administrative approval items identified in division (C)(2) above. The Director may, however, refer requests to the Historic Design Review Commission for consideration, when, in the Director's opinion, review and approval is warranted. The permit shall be referred to the Historic Design Review Commission within 30 days after deeming the application as complete. When applicable, the applicant shall provide additional information as required by § 159.116(A).

(E) Application evaluation criteria. The approving authority shall review and approve, conditionally approve, or deny applications in accordance with the provisions of this chapter and all applicable design guidelines as specified in § 159.418.

(F) Appeals. Appeals may be taken pursuant to Chapter 162 of this Municipal Code.

(G) Expiration. Expiration of a Historic Design Review Permit shall be subject to the provisions of § 159.118.

(H) Extension. Extension of a Historic Design Review Permit shall be subject to the provisions of § 159.120.

(I) Modifications. Modification of a Historic Design Review Permit shall be subject to the provisions of § 159.121.

(J) Building Permit. Prior to issuance of a building permit for any structure, improvement, or building proposed as part of an approved Historic Design Review Permit, the Community Development Department shall provide written approval to the Building Official certifying that the proposed improvements are in conformity with the approved permit. Before a building permit may be issued for any structure, improvement, or building proposed as part of the approved Historic Design Review Permit, the Building Official shall secure written approval from the Community Development Department that the proposed improvements are in conformity with an approved permit.

(K) Occupancy Permit. Before a building, improvement or structure may be occupied or finished, the Community Development Department shall notify the Building Official that the site and/or such building improvement or structure thereon have been developed in conformity with the approved Historic Design Review permit.

(L) (1) Violation/Revocation with permit. Should the holder of a Historic Design Review Permit violate any provision of this subchapter or any condition of approval of the permit, the permit shall be automatically suspended. The Community Development Department shall provide the holder of the permit with written notice of the suspension, which notice shall identify the reasons for the suspension and may instruct the holder of the permit

to immediately terminate any and all activities, including, without limitation, construction, restoration or renovation work being performed pursuant to the permit.

(2) Within 60 days of the suspension of the permit, the Historic Design Review Commission shall hold a hearing and receive evidence as to whether the permit should be reinstated, revoked or additional conditions or restrictions be placed on the permit or other actions taken by the holder to ensure compliance with the provisions of the permit and this subchapter.

(M) Violation without permit. When any improvements are commenced or made or installed to a building, improvement or structure in the Historic Design Review District without the prior issuance of an Historic Design Review Permit, the owner of the site and/or occupant of the building shall be required to cease and desist all such work and (depending on which person(s) undertook the un-permitted work) shall be subject to completing the application process and a penalty fee of double the standard processing fee, and in the event such permit is denied, shall be responsible for returning the building, improvement or structure to its state prior to any such work having been commenced, or, if such state cannot be achieved, to as near its pre-existing state as reasonably possible. (Ord. 04-8, eff. 11-15-2004; Am. Ord. 09-02, eff. 4-8-2009)

#### § 159.498 DESIGN CRITERIA: PURPOSE.

The purpose of the design criteria is to implement the design guidelines set forth in the Historic Preservation Architectural Design Guidelines, adopted by resolution of Council and incorporated herein. The criteria are intended to be flexible guidelines, rather than rigid rules, in order to provide applicants and the approving authority with the ability to use new techniques and materials as they become available, and where their use is appropriate, on a case by case basis.

(A) The design criteria shall be used for the preservation and enhancement of historical and architectural sites, structures and improvements

through the renovation, restoration or maintenance of those sites, structures and improvements. The restoration of a structure to its exact former appearance shall be encouraged, but not required.

(B) If a structure or improvement is not deemed to be a historical, architectural or aesthetic contributor to the Historic Design Review District, but is at least 50 years old, the application of the design criteria shall be used to insure that modifications or alterations to that structure or improvement do not increase its "non-contributory" character. The design criteria shall be applied to applications for such structures or improvements in order to encourage the renovation, restoration or maintenance of such structures, and to minimize their non-contributory nature and become "contributing" to the District.

(C) If a structure or improvement was built less than 50 years ago, the application of the design criteria shall be used to insure that modifications or alterations to that structure or improvement do not increase its "non-contributory" character, but rather to blend in with or become more compatible with the surrounding structures or improvements.

(D) The design criteria shall be applied to new construction to achieve design and usage which is compatible and in harmony with the surrounding structures in the District.  
(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.499 DECLARATION OF HISTORIC BUILDINGS AND PLACES.**

The Council may, by resolution, establish guidelines for the declaration of historical sites, areas, buildings and structures within the city and designate all such locations and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings and Places) to be maintained by the Community Development Department. All sites, areas, buildings or structures on the register shall be subject to the requirements of this chapter.  
(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.500 USE OF STATE HISTORICAL BUILDING CODE.**

The California State Historical Building Code provides alternative regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. The State Historical Building Code may be used, at the Building Official's discretion, for any designated cultural resource in Auburn's building permit procedure.  
(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.501 ADOPTION OF UNIFORM CODE FOR BUILDING CONSERVATION.**

For purposes of protecting the public health and welfare and establishing rules and regulations for the conservation of historical buildings in the city, that certain Code designated as the "Uniform Code for Building Conservation," current edition as adopted by the International Conference of Building Officials and as approved by the State of California Historic Building Code Board, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions, and deletions set forth in this chapter. Said Code shall be known as the Code for Building Conservation of this city.  
(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.502 PRESERVATION EASEMENTS.**

Preservation easements may be acquired by the City of Auburn or an appropriate non-profit group through purchase, donation, or condemnation pursuant to California Civil Code Section 815. Preservation easements may be applied to sites, facades of buildings, or the acquisition of property deemed valuable as a cultural/historic resource.  
(Ord. 04-8, eff. 11-15-2004)

### § 159.503 DEMOLITION OF HISTORIC STRUCTURES.

(A) Any demolition of a structure which contributes historically to the District (either in whole or in part) is prohibited absent written notice to the Historic Design Review Commission. Said notice shall be provided via first class mail, with return receipt requested, at least 180 days in advance of the proposed event. Subject to the provisions of division (B), below, no application to the City of Auburn for a demolition permit shall be accepted, or permit issued, during the 180 day period. Following receipt of such notice, the Historic Design Review Commission may undertake the following steps in order to preserve the structure, improvement or site involved, including:

(1) Seek private parties which may be interested in purchasing the subject property, or other funding sources for purchase of the property for rehabilitation or restoration purposes;

(2) With the property owner's consent, publicize the availability of the property for purchase for rehabilitation or restoration purposes;

(3) Investigate possible sites for the relocation of the structure;

(4) Make recommendations to the City Council regarding the acquisition of the property, land exchanges, development rights or facade easements and the imposition or negotiation of other restrictions for the preservation of the structure.

(B) Upon receipt of notice, the Historic Design Review Commission may waive the 180 day requirement if the action planned for the property involves:

(1) An emergency repair to, or removal of an unsafe condition on, the structure, improvement or site;

(2) The relocation of the structure to a site approved by the Historic Design Review Commission, or;

(3) Relief from extreme financial hardship to the owner of the property.

(C) The 180-day requirement may be reduced to 90 days following a duly noticed public hearing by the Historic Design Review Commission if the Commission finds that the 180-day requirement materially impairs the ability of the owner to develop or sell the property upon which the structure is situated.

(D) Request for relief by waiver received no later than 15 calendar days before the next regularly scheduled meeting of the Historic Design Review Commission shall be considered at that next regularly scheduled meeting, however, requests for relief by waiver received within the 15 day period shall be considered by the Historic Design Review Commission within 30 days.

(Ord. 04-8, eff. 11-15-2004)

### § 159.504 SUBSTANDARD OR DANGEROUS CONDITIONS.

Should the Building Official or Fire Chief determine that any structure, improvement or site within the Historic Design Review District constitutes a public hazard due to a substandard or dangerous condition of the property, said official shall notify the Historic Design Review Commission in writing. Upon receipt of such notice, the Commission shall evaluate the historic and architectural merit of the structure and provide recommendations to the Building Official within 60 days of the date such notice is received.

(Ord. 04-8, eff. 11-15-2004)

### § 159.505 ORDINARY MAINTENANCE AND REPAIRS OF PROPERTY.

Nothing in this subchapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature or detail in or on any property subject to this subchapter which does not involve a change in the design, materials, color or external appearance thereof, nor shall this subchapter

prevent the construction, reconstruction, alteration, renovation, restoration, demolition or removal of any such feature when the Building Official certifies to the Historic Design Review Commission that such action is required for public safety due to an unsafe or dangerous condition which cannot be rectified through use of the Historical Building Code of the State of California.

(Ord. 04-8, eff. 11-15-2004)

**§ 159.506 EVIDENCE OF HARDSHIP FOR EXEMPTIONS/WAIVERS.**

(A) The Historic Design Review Commission may approve an application for a permit to carry out any proposed work in the Historic Design Review District, or on a historic site, structure or improvement, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the Commission that: 1) denial of the application will work immediate and substantial hardship on the economic value of the property because of the conditions peculiar to the particular structure, improvement or site or other feature involved; 2) all reasonable use of or return from the property will be denied the owner, and 3) the approval of the application will be consistent with the purposes of this subchapter. If a hardship is found to exist under this section, the Historic Design Review Commission shall make written findings within 30 days of the application as to the specific supporting facts and conclusion based thereon.

(B) An application for exemption or waiver based upon economic hardship shall be based upon an analysis of the following factors:

(1) Denial of the application will diminish the value of the subject property so as to leave substantially no value;

(2) Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in the District;

(3) An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;

(4) Rental at a reasonable rate of return is not feasible;

(5) Denial of the application would damage the owner's economic value of the property unreasonably in comparison to the benefit conferred on the community, and;

(6) All means involving city sponsored incentives, such as tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants and reimbursements, have been explored to relieve possible economic disincentives.

(C) The Historic Design Review Commission is authorized to require the applicant to furnish documentary material evidence supporting the application.

(D) The Historic Design Review Commission and city shall have a period to make recommendation and develop and adopt a plan in order to relieve applicant's economic hardship, not to exceed 90 days to allow the applicant a reasonable use of, and economic return from, the property or otherwise act to preserve the subject property. If, at the end of this 90-day period, the Historic Design Review Commission finds that without approval of the application, that the property cannot be put to a use providing a reasonable economic return to the applicant, the Historic Design Review Commission shall approve the application for waiver. If the Historic Design Review Commission finds otherwise, it shall notify the applicant in writing within 10 days, sent by mail with return receipt requested, of the final denial. The application shall be deemed approved if the Historic Design Review Commission fails to make any finding by the end of the 90-day period, unless said deadline is extended with the prior written agreement of the applicant.

(E) If the approval of the application will result in the demolition of a nominated or designated historic resource, the applicant shall provide the Historic Design Review Commission documentation of the resource proposed for demolition to the standards of the Historic American Building Survey, which may include photographs, floor plans, measured drawings, archeological survey or other documentation stipulated by the Commission.

(F) Appeal. An applicant may appeal denial of a hardship waiver to the City Council pursuant to Chapter 162 of this Municipal Code. Such appeal shall waive the 90-day time limit set forth in this section for purposes of the hearing and issuance of a decision on the appeal, which shall be controlled by Chapter 162 of this Municipal Code.  
(Ord. 04-8, eff. 11-15-2004; Am. Ord. 09-02, eff. 4-8-2009)

#### § 159.507 PRESERVATION INCENTIVES.

The city may authorize incentives for properties within the Historic Design Review District in order to more effectively achieve the purposes of this subchapter, and to support the preservation, maintenance, and appropriate rehabilitation of resources within the District. Preservation incentives shall be considered on a case-by-case basis and may include economic assistance, relaxation of otherwise applicable development standards, or use restrictions. Incentive programs shall be approved by City Council. Incentives associated with development standards or use restrictions shall be approved by the HDRC. Incentives shall be reviewed by City Council annually.  
(Ord. 04-8, eff. 11-15-2004)

#### § 159.999 PENALTY.

(A) Any person, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and,

upon conviction thereof, shall be punishable as set forth in § 10.99.

(1973 Code, § 9-4.1803)

(B) Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon an order of the Council, immediately commence an action or proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant the relief as will abate and remove the building or structure and restrain and enjoin any person from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this chapter.

(1973 Code, § 9-4.1804)

(Ord. 558, eff. - -)

(C) (1) It shall be the duty of the Community Development Director to enforce all of the provisions of §§ 159.185 *et seq.*

(a) Any person, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of §§ 159.185 *et seq.* shall be deemed guilty of an infraction under the provisions of this code and shall be punishable upon a first conviction of a sign violation fee as set by Council resolution, as may be amended from time to time, on file in the office of the City Clerk and incorporated in this section by reference.

(b) The sign violation fee shall include a penalty for a second violation and subsequent conviction within a 1-year period.

(2) Any violations of §§ 159.185 *et seq.* beyond the second conviction within a 1-year period

are chargeable as a misdemeanor and, upon conviction thereof, shall be punishable as set forth in § 10.99.

(1973 Code, § 9-4.1012) (Ord. 786, eff. 6-8-1983; Am. Ord. 88-3, eff. 5-11-1988; Am. Ord. 89-11, eff. 6-7-1989)

(D) Each violation of §§ 159.140 *et seq.* or of any regulation, order or ruling promulgated under §§ 159.140 *et seq.* shall constitute a misdemeanor and be punishable by a fine of not more than \$500, or by imprisonment for not more than 180 days, or both, and each day a violation continues to exist shall constitute a separate offense.

(1973 Code, § 9-4.1903) (Ord. 757, eff. 10-8-1980)

A RESOLUTION ESTABLISHING POLICY GUIDELINES FOR DECLARATION OF HISTORICAL BUILDINGS WITHIN THE CITY OF AUBURN

THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE:

That the City Council of the City of Auburn does hereby adopt the following policy guidelines in the determination of historical buildings within the City of Auburn:

1. Any owner of real property having located thereon an historically significant building shall have the right to file an application with the Planning Director of the City of Auburn, describing said building, its age, former uses and its particular importance or significance to the history, architecture, or culture of the City of Auburn, including photographs, diagrams, drawings, and all other information or exhibits related thereto.

2. Upon receipt of said information, the Planning Director shall set a public hearing for the review of said application before the City Council of the City of Auburn.

3. The City Council shall receive all evidence submitted to it and shall thereafter make a finding as to whether or not said particular building shall be classified as of particular historical, architectural or cultural importance or significance to the City of Auburn, or any area thereof.

4. Said building shall be not less than seventyfive (75) years old.

5. If found to be of historical, architectural, or cultural importance or significance to the City of Auburn, or any area thereof, said owner shall thereafter obtain the

1 approval of the Building Inspector of the City of Auburn as  
2 to acceptable "alternative regulations" proposed for the  
3 improvement or repair of said buildings. Such "alternative  
4 regulations" shall be "reasonably equal", in terms of quality,  
5 strength, effectiveness, fire resistance, durability, and safe  
6 to all of the health, safety, building and other requirements,  
7 regulations and standards of the City of Auburn pertinent to  
8 the improvement or repair of said buildings.

9 6. After approval of the Building Inspector of the  
10 City of Auburn, said "alternative regulations" shall be approved  
11 by the City Council after public hearing thereon.

12 7. The applicant for historical designation shall pay  
13 the cost of a City of Auburn Plaque as part of an application for  
14 and shall mount said plaque on any building approved by the  
15 City Council of the City of Auburn as an historical building.

16 Dated: December 13, 1982

17   
18 George W. Beland, Mayor

19 ATTEST:

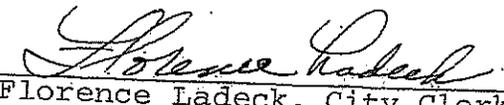
20   
21 Florence Ladeck, City Clerk

22 I, FLORENCE LADECK, City Clerk of the City of Auburn,  
23 do hereby certify that the foregoing resolution was duly passed  
24 at a regular meeting of the City Council held on the 13th day of  
25 December, 1982, by the following vote on roll call:

26 AYES: Cox, Pisarek, Veal, Wise, Beland

27 NOES: None

28 ABSENT: None

  
Florence Ladeck, City Clerk

# ATTACHMENT 4

## CITY OF AUBURN REGISTER OF HISTORIC PLACES (Revised May 4, 2012)

### HISTORIC BUILDINGS

APPROVAL	DATE	ADDRESS	APN	NAME	AKA
Motion	12-12-77	130 Maple Street	002-223-001		Latitudes
Res. 84-41	3-11-85	405 Linden Avenue	002-167-007	Irene Burns Home	
Res. 86-151	7-14-86	1293 Lincoln Way	002-180-013	Vogler House	
Res. 88-104	6-27-88	601 Lincoln Way	002-081-002	East Auburn Depot	Chamber of Commerce
Res. 88-181	11-14-88	1225 Lincoln Way	002-180-016	Auburn Grammar School	City Hall
Res. 89-99	5-26-89	853 Lincoln Way	002-154-043	Auburn Hotel	Promenade Building
Res. 89-99	5-26-89	144 Reamer Street	002-075-016	Tuttle Mansion	

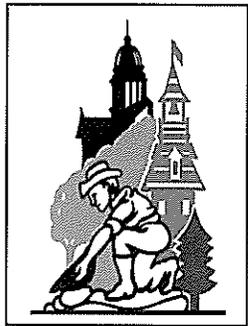
### POINTS OF HISTORIC INTEREST

APPROVAL	DATE	ADDRESS	APN	NAME	AKA
Res. 88-83	5-23-88	1225 Lincoln Way	002-180-016	Auburn Grammar School	City Hall
Res. 96-08	1-8-96	956 Lincoln Way	002-145-014	Jon M. Robinson Memorial Masonic Temple	

### HISTORIC LAND SITES

APPROVAL	DATE	ADDRESS	APN	NAME	AKA
Motion	1-22-79	101 Maple Street	002-224-015	County Courthouse	
Motion	1-22-79	299 Commercial St	002-224-011	Lawyer's Row	
Motion	1-22-79	301 Commercial St 321 Commercial St 337 Commercial St 343 Commercial St 351 Commercial St	002-225-018 002-225-019 002-225-017 002-225-008 002-225-007	Commercial Street	1590 Lincoln
Motion	1-22-79	1583 Lincoln Way	004-113-001	Old Post Office	
Motion	1-22-79	200 Sacramento Street	004-032-001	Chinese Joss House	Joss House
Motion	1-22-79	277/291 Auburn Folsom Road	004-120-013	Traveler's Rest & Winery	Bernhard Museum

# EXHIBIT



## EXHIBIT A

### HISTORIC DESIGN REVIEW COMMISSION RESOLUTION FOR THE HISTORICAL RESOURCE NOMINATION PROCESS FOR THE AUBURN REGISTER OF HISTORIC PLACES – ADMIN FILE 208.6

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**Section 1.** The City of Auburn Historic Design Review Commission considered at its regular meeting of March 5, 2013, to recommend the Historical Resource Nomination Process for the Auburn Register of Historic Resources.

**Section 2.** The City of Auburn Historic Design Review Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the March 5, 2013, meeting.
2. Staff presentation at the public hearing held on March 5, 2013.
3. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
4. All related documents received and/or submitted at or prior to the public hearing.
5. The City of Auburn General Plan, Zoning Ordinance, Historic Preservation Architectural Design Guidelines, and all other applicable regulations and codes.

**Section 3.** In view of all of the evidence, the City of Auburn Historic Design Review Commission finds the following:

1. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15061 (b)(3).
2. The project is consistent with the Historic Preservation Architectural Design Guidelines.

**Section 4.** In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Historic Design Review Commission hereby recommends approval of the Historical Resource Nomination Process for the Auburn Register of Historic Places attached herewith as *Attachment 1*.

**Section 5.** In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Historic Design Review Commission, upon motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ hereby recommends approval of the Historical Resource Nomination Process for the Auburn Register of Historic Places listed above and carried by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

**PASSED, APPROVED AND ADOPTED** this 5<sup>th</sup> day of March 2013.

\_\_\_\_\_  
Chairman, Historic Design Review Commission  
of the City of Auburn, California

ATTEST: \_\_\_\_\_  
Community Development Department

# ATTACHMENT 1

## NOMINATION PROCESS FOR AUBURN REGISTER OF HISTORIC RESOURCES

<b>Section 1</b>	<b>Purpose</b>
<b>Section 2</b>	<b>Designation Process</b>
<b>Section 3</b>	<b>Application Information</b>
<b>Section 4</b>	<b>Criteria for Historic Resource Designation</b>
<b>Section 5</b>	<b>Procedures to Amend or Rescind Designation of a Historic Resource</b>

### **Section 1 Purpose.**

The City of Auburn recognizes the importance of historically significant resources and hereby establishes the following guidelines, procedures, and criteria by which a property owner shall have the right to file an application to declare their property as having special historical significance to the City of Auburn and to designate the property on the Auburn Register of Historic Resources.

### **Section 2 Designation Process.**

The following process will be used to review and designate historic resources:

- (A) *Application.* A request to designate a property for the Auburn Register may be initiated by the owner of the property upon submittal of a complete application pursuant to Section 3 below.
- (B) *Stay of Work.* While an application is being considered by the City, no work shall be conducted that would require Historic Design Review Commission approval in accordance with Section 159.497(C)(1).
- (C) *Review by Community Development Department.* Upon submittal of a complete application, the Community Development Department shall review an application against the guidelines and criteria of this resolution.
- (D) *HDRC Review.* The Historic Design Review Commission shall hold a public hearing to review and recommend approval of, in whole or in part, or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision. Public Notice for the hearing shall be provided pursuant to Section 2(H) below.
- (E) *City Council Review and Action.* After receiving the Historic Design Review Commission's recommendations, the City Council shall review the request for designation and may pass a resolution to approve the recommendations in whole

# ATTACHMENT 1

or in part, or may by motion disapprove them in their entirety. Public Notice for the hearing shall be provided pursuant to Section 2(H) below. The City Council's decision shall be provided to the applicant in writing.

- (F) *Add to Register.* Properties designated by the City Council shall be added to the Auburn Register of Historic Resources by the Community Development Department. The Register shall clearly identify the designated historical resource category applied to the property.
- (G) *Recording Requirements.* All historic designations in the City of Auburn shall be officially recorded with the property deeds at the Placer County Recorder's Office. The recorded information on the property deed shall state:

"The property identified as (insert street name and address) also identified as Assessor's Parcel No. (Insert APN) was designated as a (insert designation category – Historic Building; Point of Historic Interest; Historic Land Site) by the City of Auburn City Council on (insert month, day and year). As a designated historic property in the City of Auburn, this property is subject to the rules and regulations set forth in the Historic Preservation Ordinance identified as Section 159.490 et. seq. of the Auburn Municipal Code.

- (H) *Notice of Public Hearing.* Notice of date, place, time, and purpose of hearing shall be provided in accordance with Section 159.460 et. seq., excepting that notice shall be provided to persons owning property within 100 feet of the affected property. Failure to receive notice of such hearing shall in no way effect the validity of the action taken.

## **Section 3      Application Information.**

An application for historic designation of property shall include the following information:

- (A) A completed application form as provided by the Community Development Department.
- (B) Such additional information, as specified on forms provided by the Department, that an informed decision can be rendered using the criteria established by this resolution. The application information shall include, but not be limited to the following:
  - 1. An adequately developed historic context, including identified property type according to the Guidelines for Preservation Planning in the Secretary of the

# ATTACHMENT 1

Interior's Standards and Guidelines for the Treatment of Historic Properties.

2. Sufficient information about the appearance, condition and associative values of the property to be evaluated to:
  - i. Accurately locate the property;
  - ii. Classify it as to historic resource type (e.g. Historic Building; Point of Historic Interest; Historic Land Site);
  - iii. Compare its features or characteristics with those expected for its historic type;
  - iv. Define the physical extent of the historic resource;
  - v. Describe the pertinent and significant historical contexts of the historic resource;
  - vi. Assess the integrity of the historic resource relative to that needed to represent the context; and,
  - vii. Additional information as determined necessary by the City of Auburn.

## **Section 4 Criteria for Historic Resource Designation.**

A historic resource may be designated on the Auburn Register if the resource meets any one of the following criteria of significance within a given historic context and retains its historical integrity.

- (A) Associated with events that made a significant contribution to the broad patterns of Auburn's History.
- (B) Associated with the lives of persons significant in Auburn's past.
- (C) Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction.
- (D) Has yielded, or may be likely to yield, information important to Auburn's history or prehistory.
- (E) Retains aspects of integrity such as: location, design, setting, materials, workmanship, or association.
- (F) Achieved significance within the past 50 years if it is of exceptional importance.

## **Section 5 Procedures to Amend or Rescind Designation of a Historic Resource.**

- (A) *Grounds for Amendment or Rescission.* Historic resources may be removed from the Auburn Register of Historic Resources, or have their historic status amended, if any of the following criteria are met:
  1. The resource no longer meets the criteria for listing in the Auburn Register

# ATTACHMENT 1

because the qualities which caused it to be listed originally have been lost or destroyed.

2. Additional information shows that the property does not meet the Auburn Register criteria for eligibility;
3. Errors in professional judgment as to whether the property meets the criteria for eligibility have occurred;
4. Prejudicial procedural errors in the nomination or listing process have occurred.

(B) *Process to Amendment or Rescission.* Historic resources may be amended or removed from the Auburn Register by the City Council upon recommendation of the Historic Design Review Commission as follows:

1. *Application.* Application to amend or rescind a resource may be initiated by the Community Development Director, Historic Design Review Commission, City Council, or by the owner of the property. An application shall be provided pursuant to Section 3 above.
2. *Application Processing.* An application for amendment or rescission shall be processed as in Section 2, except as modified herein:
  - i. *Stay of Work.* While an application for rescission being considered by the City, no work shall be conducted that would require Historic Design Review Commission approval in accordance with Section 159.497(C)(1).
  - ii. *Amend Register.* Following determination by the City Council to amend or rescind a historic resource, the Community Development Department shall revise the Auburn Register to clearly identify the change of status for the historic resource.
  - iii. *Recording Requirements.* Following determination by the City Council to amend or rescind a historic resource, the Community Development Department shall record the appropriate documentation to change the property notification regarding the status for the historic resource.



# Memorandum

City of Auburn  
Community Development Department

**To:** Historic Design Review Commission  
**From:** Reg Murray, Senior Planner  
**Date:** March 5, 2013  
**Subject:** COMMISSION BUSINESS – Commission Powers and Duties (AMC §159.496)

In preceding meetings over the last several months, the Historic Design Review Commission (HDRC) has been considering their options relating to the review and possible update of Auburn's Historic Preservation Ordinance. During those deliberations, it was noted that the City Council provided direction in June, 2012 that the City would continue to use the existing ordinance as it currently exists (see Attachment 1; Council minutes).

In consideration of the Council's prior direction, on February 19, 2013, the Historic Design Review Commission (HDRC) decided not to consider an update of the entire ordinance, but instead to address one component – the Commission's "Powers and Duties" as delineated in §159.496(A) of the code (Attachment 2). As discussed by the Commission, the purpose is to review the ten (10) powers and duties detailed in the code, with the intent to discuss and better understand the existing code and its application.

To assist in the process, the Commission decided that it might be beneficial to establish separate ad hoc sub-committees for each of the ten powers and duties identified by the code. Each committee would then meet separately to learn more about their item, stay abreast of current issues and items of interest, and/or work together on an issue. Ultimately, each committee would report back to the Commission as a whole with information as needed (e.g. during the "Commission Reports" section of the Commission's agenda). Committees will coordinate with CDD staff on particular tasks and when ready to report back to the Commission (i.e. for scheduling).

Commissioners have been asked to identify which of the various powers and duties they are interested in, in particular to help determine who would be serving on each of the ad hoc subcommittees. To date, staff has received responses from Commissioners Combs and Green; the responses are illustrated in the table below.

## Powers & Duties Review – Committee Composition

Item	Briggs	Combs	Green	Kratzer-Yue	Luebkehan	Spokely	Vitas	Willick	Worthington
1		X							
2		X							
3		X	X						
4		X							
5		X							
6		X							
7		X	X						
8		X	X						
9		X							
10		X							

The March 5<sup>th</sup> meeting will serve as a “kick-off” meeting to initiate discussion on the ten powers and duties, organize the ad hoc committees, and coordinate future discussion.

Note – The Commission is scheduled to start their review of the historic resource nomination process on March 5<sup>th</sup>; this review relates to both Items 3 and 8 from the Commission’s Powers and Duties list above.

In response to the Commission’s initial consideration of their powers and duties in late 2012, Mr. Michael Otten, President of the Placer County Historical Society, submitted information to the City for the Commission’s review and consideration (Attachment 3).

### ATTACHMENTS

1. City Council Minutes of June 11, 2012
2. AMC Section 159.496 – Powers and Duties
3. Powers and Duties information submitted by Mr. Michael Otten on November 6, 2012

Ref: P:/Historic Design Review/HDRC Powers and Duties/HDRC Powers and Duties Review 3-5-13

Council Member Holmes asked about Regional Service Transportation Program overlay funding, reserve funding; fund balances, personnel costs, and airport perimeter fence master design funding.

Council Member Nesbitt asked about the budgeted amounts for the various committees/ commissions.

Council Member Powers asked when the last funding occurred for the committees/ commissions.

Council Member Kirby asked about the CalPERS increase in FY 13-14 and a personnel 4% one-time payment.

Mayor Hanley asked about comparisons to other cities in the region in regards to personnel costs and school park preserve funds.

By **MOTION**, defer action on the budget until the 6/25/2012 City Council agenda to allow for more time for the public to review the budget and comment.

**MOTION: Holmes/ Nesbitt/ Approved 5:0**

20. **Certified Local Government Status (CLG) for Auburn**

Community Development Director Will Wong presented this item. He reviewed the history of historic design review and historic preservation ordinances, design review for single-family residential units, separate historic design review committees and the Planning Commission; overview and requirements of the Certified Local Government Program, "pre-application" update, and fiscal impacts.

Council Member questions followed regarding CLG grant money, process for single family dwelling under a CLG, public hearing notices, costs for updating preservation ordinances every five years, staff's recommendation on this item, Register of Historical Places, duties of the Historic Design Review Commission, opt-out process for residential properties, CEQA review, and administrative costs.

Council Member Holmes clarified that some work is already being completed on some of the original surveyed 571 properties to provide further detailed information. He said he is disappointed that nothing has been done to implement what the Council approved in 2004 by ordinance.

April McDonald-Loomis, City Historian, said she strongly urges the Council to accept the proposed amendment to the Historic Preservation Ordinance in order to bring it inline with the requirements for the CLG status. She addressed the historical register calling it a "dismal display."

She spoke about the cultural resource survey done in 1986 and the database she has created from it. She said she thinks the staff time would be minimal to keep the research current.

Cindy Combs, resident of Auburn and member on the HDRC, said as a private citizen she supports Auburn becoming a CLG. She said implementing measures to be able to identify and preserve Auburn's Historic Resources will be a benefit to the entire community.

Michael Otten, resident of Auburn and President of the Placer County Historical Society said this is a "golden opportunity" for Auburn to move ahead on the CLG status.

Bob Snyder, resident of Auburn, suggested an opt-in provision as opposed to an opt-out provision. He said there should be concern when California Environmental Quality Act is discussed. He said there needs to be much further discussion before action is taken.

Council Member Holmes said he supports moving forward with the ordinance amendment to be followed by submission of a CLG application and followed again with an update to the 1986 inventory of historic properties.

Council Member Nesbitt said he concurs with Mr. Snyder regarding an opt-in clause. He said he would like to see workshops done on this subject for further information and input.

City Attorney Michael Colantuono said he presumes that an opt-in clause would not be acceptable in a CLG due to our current ordinance excluding single family properties.

Council Member Powers said she concurs with holding a workshop for public input from property owners.

Council Member Kirby said the ultimate decision is on Council, not staff. He said he views CLG as more state regulation and an extreme intrusion on property owner's rights.

Mayor Hanley spoke about when the ordinance was passed in 2004 and the concern over residential properties at that time. He said he feels the current ordinance protects historical buildings in the city. He said he does not see many tangible benefits to CLG. He said he supports updating the historical preservation ordinance, include more properties on the register, and promote our historical assets.

Council Member Holmes made a motion to initiate an ordinance amendment to revise the City's Historic Preservation Ordinance to be consistent with the requirements for a Certified Local Government as described in the February 8, 2012 memorandum from the State Department of Parks and Recreation and by Resolution commit to updating the 1986 inventory of historic properties as described in the February 8, 2012 memorandum from the State Department of Parks and Recreation. The motion failed for lack of a second.

By **MOTION**, do not submit an application to the California Office of Historic Preservation for Certified Local Government Status. Direct staff to update the resolution for Nominating Process for Historical Resources (*Resolution No. 82-198*); and continue with the City's Historic Preservation Ordinance as currently practiced.

**MOTION: Kirby/ Nesbitt/ Approved 4:1 (Holmes voted no)**

Council Member Holmes explained why he made the motion he did and the related benefits. He said the motion on the floor now just allows for a stand still and shows no appreciation for the history of the City.

21. **Recommendations from Streetscape History and Art Advisory Committee (SHAAC)**

Council Member Nesbitt presented this item. He explained how SHAAC committee members came to the recommendations in front of Council tonight.

Council Member Hanley said he is concerned that without a city funding source the history aspect will become compromised. He said he wants to keep the history in SHAAC. He added items 4 and 5 to the resolution.

By **RESOLUTION 12-68:**

1) Approve the revised criteria for selection of Streetscape tiles or amenities.

2) Adopt the "City of Auburn Streetscape History and Art Advisory Committee (SHAAC) Request for Recognition Form".

3) Appoint April McDonald-Loomis (City Historian) as a voting member of the SHAAC, rather than a non-voting advisor.

4) Direct SHAAC to forward no less than 50% of the tile recommendations to the City Council based on recognizing an achievement(s) that occurred before 1945.

**§ 159.494 HISTORIC DESIGN REVIEW COMMISSION; CREATION, MEMBERSHIP, AND TERMS OF OFFICE.**

(A) *Established.* There is hereby established a Historic Design Review Commission (HDRC).

(B) *Membership.* The Historic Design Review Commission shall consist of 9 members, including the 5 members of the Planning Commission and 4 at-large members.

(C) *Minimum qualifications: At-large members.* The at-large membership of the Commission shall consist of the following:

- (1) One architect.
- (2) One member of an historical society.
- (3) One real property owner or business owner from the Downtown Historic District.
- (4) One real property owner or business owner from the Old Town Historic District.
- (5) The representatives from the Downtown Historic District and Old Town Historic District shall be nominated by the Downtown Business Association or Old Town Business Association, respectively.

(D) *Appointment and terms of office: At-large members.* At large members shall be appointed by a majority of the Council and shall serve a 4 year period. The Council shall appoint 2 at large members to 2-year terms at the time of the initial appointment of at-large members.

(E) *Attendance.* In the event a member fails to attend a total of 3 or more HDRC meetings during a calendar year, the City Council may declare the office of the member vacant. In the event an HDRC office is declared vacant, the appointment of a successor shall be made for such unexpired term in the manner provided in this section.

(F) *Vacancies.* If the office of a member of the Historic Design Review Commission becomes vacant, the City Council shall fill the vacancy by appointing a Commission member whose term shall run the unexpired term of the former incumbent. (Ord. 04-8, eff. 11-15-2004)

**§ 159.495 HISTORIC DESIGN REVIEW COMMISSION; PRACTICES AND PROCEDURES.**

(A) *Quorum.* Five voting members of the Historic Design Review Commission shall constitute a quorum with a majority vote of the members present required for passage of any action item.

(B) *Officers.* The chairperson and vice-chairperson of the Planning Commission shall serve as the chair and vice-chair of the Historic Design Review Commission.

(C) *Staff.* The Community Development Department shall act as staff to the Historic Design Review Commission.

(D) *Annual review.* The Historic Design Review Commission shall, at least once per year, conduct a review of its operations and procedures, and make recommendations to the City Council for improvements thereof. (Ord. 04-8, eff. 11-15-2004)

**§ 159.496 HISTORIC DESIGN REVIEW COMMISSION (HDRC); POWERS AND DUTIES.**

(A) The Historic Design Review Commission shall have the following powers and duties:

- (1) To adopt rules of procedure for the conduct of its business in accordance with the provisions of this subchapter;
- (2) Act in an advisory capacity to the City Council in all matters pertaining to historic resources and districts;



(3) Develop and maintain criteria for the nomination and designation of structures, improvements, or sites as historic resources. Such resources shall be separate and apart from the Historic Design Review District but shall be subject to the provisions of the district;

(4) Approve, conditionally approve, or deny Historic Design Review Permits in accordance with the provisions of this subchapter and the requirements of Chapter 157;

(5) Render advice and guidance, upon request of the owner or occupant of the property, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource including landmarks, sites, districts or neighboring properties within public view;

(6) Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a cultural resource on the local, State, or Federal level;

(7) Recommend to the City Council, from time to time or as events warrant, recognition of owners or occupants of structures, improvements or sites by means of certificates, plaques, markers or commendations who have restored, renovated and/or maintained their property in an exemplary manner;

(8) Establish guidelines for the declaration of historical buildings and structures within the city and designate all such buildings and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings);

(9) Investigate and make recommendations to the City Council on the availability and use of funding which is or may become available from various federal, state, local or private sources to promote and undertake preservation of districts, structures, improvements or sites of historical value to Auburn; and

(10) Provide local owners of diverse structures, buildings, areas, and sites with the benefits and responsibilities of inclusion in local, State, or Federal registries of historic properties.

(B) Upon authorization by the Auburn City Council, the Historic Design Review Commission shall have the following powers and duties:

(1) Publicize and update the City of Auburn Historic Resources Survey previously prepared in the City of Auburn;

(2) Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City of Auburn, County of Placer or State of California as they relate to the historic resources of Auburn;

(3) Make recommendations to the City Council for the purchase of property, in fee or less than fee, easements, or other mechanisms for preservation of cultural heritage resources;

(4) May participate in, promote and conduct public information, educational and interpretive programs pertaining to preservation of cultural resources; and

(5) Undertake any other action or activity delegated to it by the City Council or by this subchapter, necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of cultural resource preservation. (Ord. 04-8, eff. 11-15-2004)

#### **§ 159.497 HISTORIC DESIGN REVIEW PERMIT (HDRP).**

(A) Except as otherwise specified in this section, a Historic Design Review Permit shall be processed per the requirements of §§ 159.114 through 159.125.

(B) Application submittal. An application for a Historic Design Review Permit shall be made on a

RECEIVED

Nov. 6, 2012

NOV 06 2012

COMMUNITY DEVELOPMENT  
CITY OF AUBURN

To: Members of the Auburn Historic Design Review Commission

From: Michael Otten, president, Placer County Historical Society

Re: HDRC Powers and Duties

ATTACHMENT 3

At your Oct. 16 meeting you decided to take a look at the commission's powers and duties under the 2004 Historic Preservation Ordinance. There appeared to be unanimous agreement that the Commission up to now had been following only one of 10 under Section A of 159.496 of the Municipal Code. I also sensed confusion over why your body is called the Historic Design Review Commission and not the Historic Preservation Commission.

Section B of 159.496 says "Upon authorization by the Auburn City Council, the Historic Design Review Commission shall have the following powers and duties" and then lists another five powers and duties. I don't know if that authorization was granted or not and suggest checking with staff on that. Either way, it appears none of these have been done.

At the last meeting I submitted where the Mike Holmes group's suggestions for changing the current ordinance would go. But the approach you are taking may be a better way to go, to first understand what we have on the books and whether we are implementing it. And I would be happy to work with you.

Toward that end I am providing copies regarding the state's suggestions on local historic preservation ordinances and the language on "powers and duties" from Auburn and 11 other city ordinances. This includes the language from the new Elk Grove ordinance which served as a model for the Holmes recommendation and the language from the Glendale ordinance. Glendale was used by the Leadership Auburn Class of 2012 as a model for its much applauded Wayfaring Project the city is reviewing.

Other "powers and duties" language comes from the cities of Bakersfield, Benicia, Dinuba, Eureka, Livermore, Merced, Placerville, Sacramento and Woodland.

Hopefully, you can include this as review material for your Nov. 20th meeting

13 Enclosures

# CALIFORNIA STATE PARKS OFFICE OF HISTORIC PRESERVATION'S SUGGESTIONS ON LOCAL ORDINANCES

Every local government in California has the authority to adopt a local ordinance which provides regulations applicable to historic properties. Because every community has different types of historic resources, populations, development pressures, etc., each local government should create a local historic preservation ordinance that best suits the needs and views of its community. While there is no standard "model" for what an ordinance should contain, historic preservation ordinances will typically include the following:

- a provision for creation of a local historic preservation commission and the responsibilities and powers given to that commission;
- an explanation of the criteria used to determine what properties can be designated under the ordinance and the process for such designations;
- a provision for granting economic hardship waiver;
- a requirement that property owners maintain resources designated under the ordinance and guidelines for that maintenance.

Other key elements or issues that a historic preservation ordinance should address include the following:

- Statement of purpose and enabling authority
- Actions subject to review by commission and procedures for initiating the review
- Preservation Incentives
- Enforcement
- Process for appealing commission decisions
- Definition of key terms used in the ordinance

**Drafting and Amending Historic Preservation Ordinances: A Manual for California's Local Governments**" (Technical Assistance Bulletin #14) identifies key issues that all communities should address when drafting or revising an ordinance and discusses the pros and cons of various approaches to each of those key issues, providing direction for each community to draft an ordinance that best fits their local conditions. The manual was originally prepared for OHP by Clarion Associates with a generous grant from the California Parks Foundation; OHP staff has made additions and revisions since its initial release in 2001.

# AUBURN HISTORIC PRESERVATION ORDINANCE

## **§ 159.496 HISTORIC DESIGN REVIEW COMMISSION (HDRC); POWERS AND DUTIES.**

(A) The Historic Design Review Commission shall have the following powers and duties:

(1) To adopt rules of procedure for the conduct of its business in accordance with the provisions of this subchapter;

(2) Act in an advisory capacity to the City Council in all matters pertaining to historic resources and districts;

(3) Develop and maintain criteria for the nomination and designation of structures, improvements, or sites as historic resources. Such resources shall be separate and apart from the Historic Design Review District but shall be subject to the provisions of the district;

(4) Approve, conditionally approve, or deny Historic Design Review Permits in accordance with the provisions of this subchapter and the requirements of Chapter 157;

(5) Render advice and guidance, upon request of the owner or occupant of the property, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource including landmarks, sites, districts or neighboring properties within public view;

(6) Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a cultural resource on the local, State, or Federal level;

(7) Recommend to the City Council, from time to time or as events warrant, recognition of owners or occupants of structures, improvements or sites by means of certificates, plaques, markers or commendations who have restored, renovated and/or maintained their property in an exemplary manner;

(8) Establish guidelines for the declaration of historical buildings and structures within the city and designate all such buildings and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings);

(9) Investigate and make recommendations to the City Council on the availability and use of funding which is or may become available from various federal, state, local or private sources to promote and undertake preservation of districts, structures, improvements or sites of historical value to Auburn; and

(10) Provide local owners of diverse structures, buildings, areas, and sites with the benefits and responsibilities of inclusion in local, State, or Federal registries of historic properties.

(B) Upon authorization by the Auburn City Council, the Historic Design Review Commission shall have the following powers and duties:

(1) Publicize and update the City of Auburn Historic Resources Survey previously prepared in the City of Auburn;

(2) Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City of Auburn, County of Placer or State of California as they relate to the historic resources of Auburn;

(3) Make recommendations to the City Council for the purchase of property, in fee or less than fee, easements, or other mechanisms for preservation of cultural heritage resources;

(4) May participate in, promote and conduct public information, educational and interpretive programs pertaining to preservation of cultural resources; and

(5) Undertake any other action or activity delegated to it by the City Council or by this subchapter, necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of cultural resource preservation.

(Ord. 04-8, eff. 11-15-2004)

# **Bakersfield Historic preservation commission**

## **15.72.040 Historic preservation commission—Powers and duties.**

The commission shall have the following powers and duties:

- A. Establish criteria and conduct or cause to be conducted a comprehensive survey of properties within the boundaries of the city, and publicize and periodically update survey results.
- B. Adopt specific guidelines for the designation of cultural resources, including landmarks, landmark sites, and historic districts.
- C. Maintain a local register of designated cultural resources, designated historic districts and designated areas of historic interest.
- D. Review and correspond with the city council and city departments as to matters as they relate to the cultural resources of the community.
- E. Assist in recommending prescriptive standards to be used by the council in reviewing applications for permits to alter, remove, preserve, protect, reconstruct, rehabilitate, restore or stabilize any designated cultural resource or historic district.
- F. Recommend to the city council the purchase of fee or less-than-fee interests in property for purposes of cultural resource preservation and designation.
- G. Investigate and report to the city council on the use of various federal, state, local, or private funding sources and mechanisms available to promote cultural resource preservation in the city.
- H. Preserve, restore, maintain, and operate designated cultural resources and historic properties owned or controlled by the city.
- I. Recommend for approval or disapproval, in whole or in part, applications for cultural resource, historic district, or area of historic interest designation pursuant to procedures set forth in this chapter.
- J. Review and comment on applications for land use decisions as such applications may be referred to the commission by the planning commission, the board of zoning adjustment or the city council. Comments and recommendations shall be forwarded to the referring body.
- K. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation.

L. Provide information, upon the request of the property owner, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource or property within a historic district or area of historic interest.

M. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural resources, historic districts and areas of historic interest.

N. Perform any other functions that may be designated by the city council.

O. Meet at irregular intervals as determined by the city manager or his or her designee. All meetings shall be noticed and open to the public.

P. Quorum. Three members of the commission shall constitute a quorum for the transaction of business.

Q. Identify as early as possible conflicts between the preservation of cultural resources and alternative land uses and make recommendations to the appropriate legislative body.

R. Establish a procedure for the review of and comment on historic preservation certification applications for federal tax incentives for both designated cultural resources and designated historic districts. (Ord. 4460 § 1, 2007)

# Benicia Municipal Code

## Chapter 2.84

### HISTORIC PRESERVATION REVIEW COMMISSION

#### 2.84.080 Powers and duties.

The commission shall:

- A. Conduct design reviews for restoration, remodeling and development projects in the historic overlay (H) zones in accordance with Chapter 17.08 BMC and/or Chapter 17.54 BMC, or which involve city-owned historical buildings. Ensure that restoration, remodeling and new development complies with the "Secretary of the Interior's Standards for the Treatment of Historical Properties," the criteria contained in the general plan and the criteria in the adopted historic plans for each district. Support decisions by specific findings based on the "Secretary of the Interior's Standards for the Treatment of Historical Properties," the general plan and the adopted historic plans for each district, as detailed in the relevant sections of the Benicia Municipal Code, as they may be amended from time to time;
- B. Maintain a program to compile, record and update an inventory of cultural resources within the city. The inventory shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures;
- C. Make policy recommendations to the city council on matters that relate to historic preservation and the restoration of designated buildings and districts;
- D. Review and certify CEQA documents for projects which require only HPRC approval and review CEQA documents and make recommendations for approval to the planning commission and city council as appropriate;
- E. Each commission member is expected to annually attend an informational or educational meeting, seminar, workshop or conference that pertains directly to the work of the commission or would be approvable by the State Office of Historic Preservation;
- F. Produce an annual report, in accordance with the requirements of certified local government, on the activities of the commission;
- G. Oversee and establish a program to assist owners of historic homes in lower-income areas to apply for low interest loans through community development block grants (CDGBs), when available;
- H. Oversee the publicizing of opportunities and incentives for historic preservation to owners of historic buildings;

I. Oversee the maintenance of a list of historic preservation review commission educational materials. These items will have been determined by the commission as providing important background information necessary for commissioners to do the work of the commission. The commission may modify this list at its discretion. As soon as is practicable after appointment, commissioners are required to review the items on this list;

J. Pursuant to the program established by the city council, oversee a program for property tax incentives in accordance with the California Mills Act and recommend to the city council execution of Mills Act agreements. Provide potential buyers with information about the California Mills Act and federal investment tax credits;

K. Maintain a program to coordinate with the California Archaeological Inventory to develop and maintain an inventory of existing and potential archaeological sites;

L. Maintain a program to inform title companies that properties in Benicia may be affected by historic preservation regulations;

M. Work with Main Street, the Benicia Historical Society, the Benicia Historical Museum at the Camel Barns, and other community groups on historic preservation issues;

N. Recommend nomination of properties for the California and National Register;

O. Create, maintain and increase the community awareness of our historic resources;

P. Oversee the administration of the city's official historic plaque program; and

Q. Perform other duties as provided by the city council. (Ord. 08-05 § 1; Ord. 05-01 § 1; Ord. 01-3. Formerly 2.56.140).

# DINUBA Historic Preservation Commission

## **14.62.060 Duties and powers of the commission.**

### A. The primary duties of the commission shall be:

1. The identification, designation and preservation of historic resources and historic districts owned by the city or located within the city limits; and
2. The regulation of exterior alterations visible from a public right-of-way including demolition, relocation and new construction, and interior alterations which would affect the significance of historic resources or historic districts.

### B. The commission shall have the following additional duties and powers:

1. Conduct studies and evaluations of applications requesting the designation of historic districts, make determinations and recommendations as appropriate for consideration of such applications in order to effectuate the purposes of this chapter.
2. Adopt specific guidelines for the designation of historic resources, historic districts and heritage properties, as it deems necessary to effectuate the purposes of this chapter.
3. Maintain a current listing and description of designated historic resources, historic districts and heritage properties and transmit copies and update of such listings to all appropriate city departments as determined by the secretary to the commission.
4. Develop and recommend the adoption of an historic preservation element for the general plan of the city of Dinuba in accordance with the requirements of the certified local government program.
5. Participate in environmental review procedures called for under this chapter or under the California Environmental Quality Act (CEQA) or under the National Environmental Protection Act (NEPA) by providing review and comments on permit actions affecting designated historic resources, historic districts and heritage properties, as the commission deems appropriate.
6. Review and comment upon the conduct of land use, housing, redevelopment, municipal improvement and other types of planning and programs undertaken by any agency or department of the city, county or state as they relate to designated historic resources, historic districts and heritage properties as the commission deems appropriate.
7. Establish criteria and conduct or cause to be conducted historical resource surveys of properties within the city limits in accordance with state survey standards and procedures; submit completed surveys to the council for official adoption.

8. Recommend internal procedures to facilitate the use of such adopted historical resource surveys in planning and development processes by all relevant city agencies and departments in accordance with certified local government program requirements.
9. Publicize, maintain and periodically update such historical resource surveys in accordance with state survey standards and procedures, including those surveys adopted prior to the award of certified local government status and surveys of new areas annexed or incorporated by the city.
10. Adopt procedural rules for the systematic review of such historical resource surveys to determine if designation proceedings should be initiated on appropriate sites. Provide for the removal of sites not found qualified for designation.
11. Review and make recommendations on nominations for inclusion in the California Register of Historical Resources and the National Register of Historic Places for local historic resources or districts to the chief elected local official for transmission to the State Office of Historic Preservation in accordance with procedures established by the certified local government program.
12. Review and make recommendations on any proceedings under Section 106 of the National Historic Preservation Act pertaining to properties within the city limits and establish programmatic agreements with the State Office of Historic Preservation as the commission deems appropriate.
13. Review and make recommendations on historic preservation certification applications for federal tax incentives.
14. Develop and recommend the adoption of historic preservation incentives including but not limited to conditional use permits allowing uses not otherwise permitted by the underlying zoning, Mills Act Contracts, and other programs utilized by other certified local governments.
15. Review and make recommendations on any applications to participate in local historic preservation incentive programs established in order to effectuate the purposes of this chapter.
16. Prepare an annual report on the activities of the commission to the State Office of Historic Preservation at the end of each calendar year in accordance with procedures established by the certified local government program.
17. Ensure that each commissioner attends at least one informational or educational meeting, seminar, workshop or conference per year in accordance with the requirements of the certified local government program.

18. Perform any other functions consistent with the purposes herein or that may be directed by the council from time to time.

19. Adopt, promulgate, amend and rescind, from time to time, such rules, guidelines and regulations as the commission may deem necessary to effectuate the purposes of this chapter.

20. Provide for a suitable sign, plaque or other marker at public or private expense, on or near the historic resource or district (LHD or NRD), indicating that the resource or district (LHD or NRD) has been so designated. The sign, plaque or other marker shall contain information and data deemed appropriate by the commission and its placement shall be at the discretion of the owner.

21. Meet no less than quarterly (or as necessary) at meetings held pursuant to public notice and open to the public.

22. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions as a matter of public record.

23. Render advice and guidance, upon the request of a property owner or tenant on the financial and physical aspects of the restoration, alteration, rehabilitation, landscaping or maintenance of any historic resource, any contributor to any historic district (LHD or NRD) or any heritage property.

24. Investigate and report to the council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic resource preservation in the city.

25. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resources and provide for public participation in all aspects of the city's historic preservation programs. (Ord. 2005-2 § 1 (part), 2005)

City of Elk Grove California

Powers and Duties of the Elk Grove Historic Preservation Committee under Elk Grove's Municipal Code:

## **Chapter 7.00 HISTORIC PRESERVATION**

### 7.00.040 Historic Preservation Committee

I. Powers and Duties. The Historic Preservation Committee shall have the following powers and duties under this chapter:

1. Maintain, publicize, and periodically update a local historic resource inventory listing all historic resources within the City, using guidance presented in "Guidelines for Local Surveys: A Basis for Preservation Planning," to include administering and adopting the results of historical surveys;
2. Attain and maintain certified local government status;
3. Recommend the designation and rescission of historic resources as Elk Grove landmarks or Elk Grove heritage resources to the City Council;
4. Recommend the approval or disapproval, with or without conditions, of applications for certificates of appropriateness;
5. Recommend the approval or disapproval, with or without conditions, of applications for demolition/relocation certificates;
6. Perform advisory review of new buildings, structures, objects, and demolitions on lots immediately adjacent to designated historic resources in cases where the City has discretionary review over these projects (as defined by the California Environmental Quality Act);
7. Review historic district plans;
8. Investigate and report to the City Council on the use of various Federal, State, local, or private funding sources, incentives and other mechanisms available to promote historic preservation in the City;
9. Develop and review a comprehensive local historic preservation plan;
10. Review and comment on decisions and documents developed using the California Environmental Quality Act, the National Historic Preservation Act of 1966 (Title 16, Section 470, et seq., of the United States Code), and other laws that require consideration of the effects of projects

on historic resources when such decisions or documents may affect historic resources or resources potentially eligible for historic designation in the City;

11. Cooperate with local, County, State, and Federal governments in the pursuit of the objectives of historic preservation;

12. Participate in, promote, and conduct public information, educational and interpretive programs, newsletters, and appropriate literature pertaining to all types of historic resources to owners of historic resources, building contractors, the Chamber of Commerce, area realtors, and any member of the public requesting such information;

13. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historic resource;

14. Provide for adequate public participation in local historic preservation programs, including the process of recommending properties for nomination to the Elk Grove register of historic resources, the California Register of Historical Resources, and the National Register of Historic Places;

15. In the case of historic resources that may be demolished or relocated, take steps to aid in the preservation of historic resources, to include consultation with civic groups, public agencies, and interested citizens; recommendations for acquisition of the property by public or private bodies or agencies; and exploration of the possibility of moving such resources; and

16. Perform any other functions designated by the City Council or required by the State of California's Certified Local Government Program. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 39-2008 §3, eff. 9-26-2008; Ord. 3-2007 §3, eff. 2-23-2007]

## **EUREKA Historic Preservation Commission**

### **157.03 AUTHORITY AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION**

(A) In addition to the responsibilities conferred by other provisions of this chapter, the Historic Preservation Commission shall:

(1) Review applications for additions, alterations, new construction, demolition of all or part of any structure or landscape elements (such as historic walls and trees designated in the Historic Preservation Application) which are located on a designated property pursuant to this chapter.

(2) Endeavor to provide technical and economic assistance, as resources permit and circumstances warrant, to facilitate compliance with this chapter.

(B) The HPC shall, to the extent it deems action appropriate, have the authority to:

(1) Negotiate with owners of properties having potentially significant historical characteristics for, and may recommend to the City Council the approval of, contracts to restrict the use of such property and to retain such historical characteristics.

(2) Review applications for preservation incentives and make recommendations thereon to the Planning Commission and City Council, including, but not limited to, negotiated Mills Act agreements pursuant to Cal. Gov't Code §§ 50280 et seq.

(3) Establish and maintain a list of historical resources considered deserving of official recognition although not given regulatory protection under this chapter. The purposes of the list shall be to recognize the merit of and encourage the protection, enhancement, perpetuation, and use of such historical resources. For these purposes, the Commission may authorize such steps as it deems desirable, including but not limited to the issuance of certificates of recognition and the authorization of plaques.

(4) Carry out or assist studies and programs designed to identify and evaluate historical resources which are worthy of preservation.

(5) Inspect and investigate historical resources which may be worthy of preservation.

(6) Consider methods other than those described above for encouraging and achieving preservation of worthy structures, resources, sites, and districts or areas, including exploring means of financing the restoration or maintenance thereof.

(7) Make appropriate recommendations on the general subject of preservation to the Planning Commission, City Council, City Departments, other public and private agencies and bodies, and the general public.

(8) Make appropriate recommendations to the Planning Commission, City Council, City Departments, other public and private agencies and bodies and the general public to assist property owners to repair, modify, improve, rehabilitate, restore, et al, using archaic materials (especially recycled building materials), and design criteria sensitive to the particular property and surrounds.

(C) Provide comments and recommendations to the Planning Commission and Community Development Department regarding proposed projects on properties that are not specifically designated as historic, such as noncontributing structures, but are within designated historic preservation districts.

(D) Review and make recommendations to the Community Development Department, Planning Commission, and City Council regarding applications subject to the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §§ 21000 et seq., specifically §§ 15064.5 et seq., CEQA Guidelines California Code of Regulations, Title 14, Chapter 3.

(Ord. 607-C.S., passed 3-19-96; Am. Ord. 715-C.S., passed 11-27-07)

## **GLENDALE Historic Preservation Commission**

### **2.76.100 Powers and duties generally.**

The historic preservation commission shall have the power and it shall be its duty to perform the following acts:

- A. To consider and recommend to the city council additions to and deletions from the register of historic resources;
- B. To keep current and publish a register of historic resources;
- C. To make recommendations to the planning commission, and the city council on amendments to the historic preservation element of the city general plan;
- D. To grant or deny applications for permits for demolition, or major alterations of historic resources;
- E. To grant or deny appeals from decisions of the director of planning and the permit services administrator as specified in Section 15.20.030 of this code;
- F. To encourage public understanding of and involvement in the unique historical, architectural and environmental heritage of the city through educational and interpretative programs;
- G. To explore means for the protection, retention and use of any historic resource, historic district, or potential historic resource or district;
- H. To make recommendations to the city council on applications for properties to be included in the property tax incentives program which may be subject to historic property contracts as set forth in Section 15.20.070 of this code;
- I. To encourage private efforts to acquire property and raise funding on behalf of historic preservation; however, the commission is specifically denied the power to acquire any property or interest therein for or on behalf of itself or the city;
- J. To recommend and encourage the protection, enhancement, appreciation and use of structures of historical, cultural, architectural, community or aesthetic value which have not been designated as historic resources but are deserving of recognition;
- K. To encourage the cooperation between public and private historic preservation groups;
- L. To advise city council and city boards and commissions as necessary on historic preservation issues;
- M. To render decisions on design review applications affecting designated historic resources and affecting existing or proposed structures in designated historic district overlay zones pursuant to Chapter 30.47 of this code;
- N. To perform any other functions that may be designated by resolution or motion of the city council.

(Ord. 5535 § 4, 2006; Ord. 5425 § 3, 2004; Ord. 5110 § 5, 1996; Ord. 4986 § 1, 1992; prior code § 3-139)

# LIVERMORE HISTORIC PRESERVATION COMMITTEE

## **2.47.020 Duties and responsibilities.**

The historic preservation commission shall have the following duties and responsibilities:

- A. Maintain a continuing survey of all heritage resources within the city;
- B. Recommend action for the preservation of buildings, structures, sites, natural features, works of art, or similar objects which have a significant historic, cultural, architectural, archaeological, community or aesthetic value;
- C. Maintain and publish a register of all designated landmarks;
- D. Encourage public awareness of involvement in the architectural and environmental heritage of the city through education and interpretive programs;
- E. Explore and recommend means for protection, retention and use of any designated or potential heritage resources through either governmental or private action;
- F. Coordinate activities with the planning commission in order to integrate heritage resource consideration into the planning process;
- G. Recommend and encourage the protection, appreciation and use of structures of historic, architectural or aesthetic value which have not been officially designated through private efforts;
- H. When requested by any heritage resource owner, provide advice and guidance for the preservation of such heritage resource;
- I. Encourage and participate in the development of a cultural heritage element in the general plan; and
- J. Cooperate with and encourage the formation of private cultural heritage groups in the city, county, state and federal government. (Ord. 1786 § 2, 2006)

# CITY OF MERCED HPC POWERS AND DUTIES

## Chapter 17.54 - HISTORIC PRESERVATION

### 17.54.030 - Historic preservation commission.

A.

There is hereby created an historic preservation commission which shall consist of seven members. The commission shall be selected and appointed by the city council in accordance with the City Charter.

B.

If it is deemed to be in the best interests of the city, the city council may appoint the members of the design review commission to serve concurrently as the members of the historic preservation commission.

*(Ord. 1474 § 1 (part), 1983).*

### 17.54.040 - Powers and duties.

The commission shall have the following powers and duties:

A.

Designate historic resources;

B.

Review applications for, and issue certificates for alteration for construction, alteration, or demolition of designated historic resources;

C.

Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation;

D.

View structures, sites and areas which it has reason to believe are worthy of preservation;

E.

Disseminate information to the public concerning those structures, sites and areas deemed worthy of preservation, and encourage and advise property owners and members of the community generally in the protection, enhancement, perpetuation and use of property designated historic;

F.

Consider methods other than those provided for in this chapter for encouraging and achieving historical or architectural preservation.

*(Ord. 1474 § 1 (part), 1983).*

# **PLACERVILLE Historical Advisory Committee**

## **Duties**

As specified per City Council Resolution No. 7896, the duties of the Historical Advisory Committee are:

- The preservation of historic resources, including buildings, structures, objects, monuments and markers as our legacy to the future generations.
- Act in an advisory capacity to the Planning Commission and City Council in all matters pertaining to historical resources/districts.
- Review applications to alter facades visible from a public right of way or to demolish all or part of any structure which is listed on an inventory of historic buildings, structures, site or resource.
- The Committee shall advise and make recommendations to the Planning Commission with respect to discretionary permit requests within 300' (three hundred feet) of historic resources, and shall advise the Commission on appropriate means to maintain the integrity of the historic resource(s). The Committee shall make recommendations to the Planning Commission with respect to such applications within ten days of the Committee meeting scheduled to hear such requests. In the event that the Committee fails to assemble a quorum or make a recommendation to the Planning Commission within ten (10) calendar days of receipt or consideration on the resources, then the matter shall be forwarded to the Planning Commission without a recommendation from the Committee.
- Maintain a local inventory of historic resources within the City, as established by the City Council. Make recommendations to the City Council to update the inventory.
- Investigate and report to the City Council on the use of various federal, state, local, or private funding sources and mechanisms available to promote historical preservation in the City.
- Make recommendations to the Planning Commission and the City Council on amendments to the Natural, Cultural, and Scenic Resources Element of the City's General Plan.
- Advise City Council and City boards and commissions as necessary on historic preservation issues.
- Provide advice and guidance upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historical resource, or property within historic district.
- To perform any other functions that may be designated by resolution or motion of the City Council.

**SACRAMENTO CITY CODE**

**TITLE 17 ZONING**

**CHAPTER 17.134 HISTORICAL PRESERVATION**

**ARTICLE II PRESERVATION COMMISSION**

**17.134.090 Preservation commission—Powers and duties.**

Unless otherwise specified herein the powers and duties of the preservation commission shall be as follows:

- A. Exercise the authority set forth in this chapter and as otherwise provided in this code;
- B. Recommend to the city council policies and programs in support of historic preservation, including, but not limited to, goals and policies for the general plan preservation element and other regulatory plans; periodic updates of the preservation program, including the standards, criteria, and procedures set forth in this chapter; and programs for historic preservation incentives;
- C. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under this chapter but that may potentially affect the physical development and historic preservation of the city involving landmarks, contributing resources, historic districts, nominated resources, or the historical value of any other building, structure or neighborhood, in coordination with review and action by the city council, planning and design commission, or other public agencies on the plan, project or environmental review;
- D. Review and make recommendation to the State Office of Historic Preservation regarding nominations of property located within the city to the National Register of Historic Places;
- E. Assume duties assigned to the preservation commission by the city council pursuant to the certified local government provisions of the National Historic Preservation Act of 1966, or duties that may be assigned to the preservation commission through any agreement(s) approved by the city council. This shall include undertaking review and comment upon those projects on which the city, as a certified local government, has an obligation or opportunity to provide review and comment under the National Historic Preservation Act, including, but not limited to, private and public projects undertaken within the Old Sacramento national historic landmark district;
- F. Consult with, advise, and report to the city council on an annual basis in connection with the exercise of the preservation commission's duties and functions;
- G. Any other powers and duties conferred upon the preservation commission by the city council. (Ord. 2012-005 § 42; Ord. 2006-063 § 1)

**City of Woodland, CA MUNICIPAL CODE**

**Chapter 12A HISTORICAL LANDMARKS AND DISTRICTS**

**Article II Historical Preservation Commission**

**Sec. 12A-2-5. Powers and duties.**

The historical preservation commission shall have the following powers and duties:

- (a) To undertake a comprehensive historic resources inventory and maintain a historic register;
- (b) To establish various criteria, guidelines and standards to carry out the intent of this ordinance;
- (c) To recommend to the city council the designation of historical landmarks and historical districts;
- (d) To participate in administrating regulations pertaining to historical landmarks and historical districts;
- (e) To recommend to the city council ways to fund and to otherwise make financially feasible the protection of historical landmarks and historical districts in the city;
- (f) To recommend to the council the means to implement the historic preservation element of the General Plan and this chapter by developing information and programs to increase awareness of, preservation of, and use of historical landmarks and historical districts in the city;
- (g) To perform such other duties as the city council may direct. (Ord. No. 1004, § 2 (part).)